



# भारत का राजपत्र The Gazette of India

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सं० 37]

नई दिल्ली, शनिवार, सितम्बर 14, 1996/भाद्र 23, 1918

No. 37]

NEW DELHI, SATURDAY, SEPTEMBER 14, 1996/BHADRA 23, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 20 अगस्त, 1996

का.आ. 2603.—नोटरीज नियम, 1956 के नियम 6 के  
अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है  
कि श्री गौरी शंकर बनिक चौधरी, एडवोकेट के उक्त प्राधि-  
कारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस  
बात के लिए दिया है कि उसे अलीपुर कोर्ट, जिला 24  
परगना (दक्षिण) पश्चिम बंगाल में व्यवसाय करने के लिए  
नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष  
इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप  
में मेरे पास भेजा जाए।

[सं. एफ. 5(173)/96-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE &amp; COMPANY AFFAIRS

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 20th August, 1996

S.O. 2603.—Notice is hereby given by the Competent  
Authority in pursuance of Rule 6 of the Notaries Act,  
1956 that application has been made to the said Authority,  
under Rule 4 of the said Rules, by Sh. Gauri Sankar  
Banik Choudhari, Adv. for appointment as a Notary to  
practise in Alipure Court, Distt. 24, Parganes (South) West  
Bangal.

2. Any objection to the appointment of the said person  
as a Notary may be submitted in writing to the undersigned  
within fourteen days of the publication of this notice.

[No. F. 5(173)/96-Judl.]

P. C. KANNAN, Competent Authority

## सूचना

नई दिल्ली, 23 अगस्त, 1996

का.आ. 2604.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री महिन्द्र पाल सिंह टिग्ना, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अबोहर, फाजिल्का जिला, (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(174)/96-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 23rd August, 1996

S.O. 2604.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Mohinder Pal Singh Terna, Advocate, for appointment as a Notary to practise in Abohar, Distt. Fazilka (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(174)/96-Judl.]

P. C. KANNAN, Competent Authority

## सूचना

नई दिल्ली, 23 अगस्त, 1996

का.आ. 2605.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रणजीत सिंह, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे सिकन्दराबाद, जिला बुलन्दाशहर (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(175)/96-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 23rd August, 1996

S.O. 2605.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Ranjit Singh, Advocate for appointment as a Notary to practise in Sikan-darabd, Distt. Bulandshahar (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(175)/96-Judl.]

P. C. KANNAN, Competent Authority

## सूचना

नई दिल्ली, 23 अगस्त, 1996

का.आ. 2606.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सुभ्रंशु बंड्योपाध्याय, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अलीपुर सदर सब डिविजन, दक्षिण 24 परगना (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(176)/96-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 23rd August, 1996

S.O. 2606.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Subhranshu Bandy-opadhyay, Advocate for appointment as a Notary to practise in Alipore Sadar Sub-Div. 24 Pragana (South) West Bangal.

2. Any objection to the appointment of the said person as a Notary may be submitted writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(176)/96-Judl.]

P. C. KANNAN, Competent Authority

## सूचना

नई दिल्ली, 23 अगस्त, 1996

का.आ. 2607.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अजित कुमार, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मेरठ (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(177)/96-न्यायिक]

पी.सी. कण्णन्, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 23rd August, 1996

S.O. 2607.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Ajit Kuarrar, Advocate for appointment as a Notary to practise in Meerut (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(177)/96-Judl.]

P. C. KANNAN, Competent Authority

गृह पंञ्चालय

महानिदेशालय असम राइफल का कार्यालय

शिलांग, 12 जून, 1996

का.आ. 2608.—अधोहस्ताक्षरी का मत है कि 26 असम राइफल, मार्फत 99 सेना डाकघर के सं० जे सी 2600054 नाथ/सुबेदार नाथ सिंह महार से सम्बन्धित विभागीय जांच हेतु श्री लक्ष्मण सिंह एवं श्रीमती गंगा देवी को साक्षी के रूप में हाजिर होने/उनसे दस्तावेज पेश करने हेतु समन भेजना आवश्यक है।

2. इसलिए अधोहस्ताक्षरी विभागीय जांच (साक्षियों को हाजिर कराना तथा दस्तावेज पेश कराना) अधिनियम 1972 (1972 का 18) की उपधारा (2) धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा श्री जे.एल. मचाइन, समादेशक 12 असम राइफल, मार्फत 99 सेना डाकघर, को सं. जे सी 2600054 नाथ/सुबेदार नाथ सिंह महार, 26 असम राइफल, मार्फत 99 सेना डाकघर से सम्बन्धित विभागीय जांच हेतु जांच प्राधिकारी के रूप में अधिनियम की धारा 5 में उल्लिखित शक्तियों के तहत साक्षी को हाजिर कराने/दस्तावेज पेश कराने के लिए प्राधिकृत करता है।

[सं. 1-12015/34/96-अनुशासन]

टी. पी. एस. रावत, ले. जनरल, महानिदेशक

MINISTRY OF HOME AFFAIRS

OFFICE OF THE DIRECTORATE GENERAL, ASSAM RIFLES

Shillong, the 12th June, 1996

S.O. 2608.—Whereas the undersigned is of the opinion that for the purpose of departmental inquiry relating to No. JC-2600054 Nb/Sub Nath Singh Mahar of 26 Assam Rifles, C/o. 99 APO, it is necessary to summon as witness/call for any document from Shri Lakhpat Singh and Smt. Ganga Devi.

2. Now, therefore, in exercise of the powers conferred by Sub-Sec. (2) Sec. 4 of the Departmental Inquiries (Enforcement of Attendance of witnesses and production of Documents) Act, 1972 (18 of 1972), the undersigned hereby authorises Shri J. L. Machhain Commandant of 12 Assam Rifles, C/o. 99 APO as the Inquiring Authority to exercise the powers specified in Sec. 5 of the Act in relation to summoning and enforcing the attendance of witness/production of documents in connection with departmental inquiry relating to No. JC-2600054 Nb/Sub Nath Singh Mahar of 26 Assam Rifles, C/o. 99 APO.

[No. I-12015/34/96-Discp]

T. P. S. RAWAT, Lt Gen., Director General

आसूचना ब्यूरो

नई दिल्ली, 29 अगस्त, 1996

का.आ. 2609.—सहायक आसूचना ब्यूरो, बंगलौर के 80 प्रतिशत से अधिक अधिकारी/कर्मचारियों ने हिन्दी में प्रवीणता कार्यसाधक ज्ञान प्राप्त कर लिया है। अतः राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली 1976

के नियम 10 के उपनियम (4) के अनुसरण में इस कार्यालय को एतद्वारा हिन्दी में कार्य करने के लिए अधिसूचित किया जाता है।

[सं. 5/4/94-हिन्दी]

सुदर्शन गोम्बर, हिन्दी अधिकारी

INTELLIGENCE BUREAU

New Delhi, the 29th August, 1996

S.O. 2609.—More than 80 per cent officers/employees of SIB, Bangalore have since acquired proficiency/working knowledge in Hindi. The said office is, therefore, notified to work in Hindi in pursuance of Rule 10(4) of the official language (Use for official purposes of the Union) Rules, 1976

[No. 5/4/94-Hindi]

SUDARSHAN GOMBER, Hindi Officer

कामिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 26 अगस्त, 1996

का.आ. 2610.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय अन्वेषण ब्यूरो के निम्नलिखित अभियोजन अधिकारियों को, ऐसे किसी राज्य अथवा संघ राज्य क्षेत्र में जिस पर पूर्वोक्त धारा के उपबंध लागू होते हैं, विचारण न्यायालयों में दिल्ली विशेष पुलिस द्वारा संस्थित मामलों तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपील/पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है:—

1. श्री लक्ष्मण देव तिवारी
2. श्री हसनैन कुरेशी

[संख्या 225/22/96-ए.वी.डी-II]

स. च. तिवारी, उप सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel &amp; Training)

New, Delhi, the 26th August, 1996

S.O. 2610.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure 1973 (Act No. 2 of 1974), the Central Government hereby appoint the following prosecuting officers of the Central Bureau of Investigation as Special Public Prosecutors for the conduct of cases instituted by the Delhi Special Police Establishment in Trial Courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law in any State or Union Territory to which the provisions of the aforesaid section apply.

1. Shri Laxmen Dev Tiwari.
2. Shri Hashnain Qureshi.

[No. 225/22/96-AVD.II]

S. C. TEWARY, Dy. Secy.

वित्त मंत्रालय  
(राजस्व विभाग)

आदेश

नई दिल्ली, 22 अगस्त, 1996

स्टाम्प

का.आ. 2611.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्-द्वारा मै. ओरिएण्टल कार्बन एंड केमिकल्स लिमिटेड, कलकत्ता को मात्र तीन लाख पचहत्तर हजार रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो कि उक्त कंपनी द्वारा जारी किए जाने वाले पांच करोड़ रुपये के कुल मूल्य के सौ-सौ रुपये अंकित मूल्य के सममूल्य पर दिए जाने वाले 1 से 500000 तक की विशिष्ट संख्या वाले 18.5 प्रतिशत सुरक्षित विमोक्ष्य अपरिवर्तनीय ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 42/96-स्टाम्प-फा.सं. 15/12/96-बि. कर]

एस. कुमार, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 22nd August, 1996

STAMPS

S.O. 2611.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government

पाद टिप्पण :—दिनांक 28-2-1957 के एस. आर. ओ. सं. 627 के अनुसार प्रकाशित मूल आदेश और तदनन्तर निम्नलिखित द्वारा संशोधित :—

क्रम सं.	अधिसूचना सं.	तारीख	आर. ओ./एस. ओ. सं.	तारीख
1.	फा. 10/21/73—बी एन पी.	26-3-76	1349 (आर. ओ.)	17-4-76
2.	फा. 4(36)/79—बी एन पी.	17-4-80	1118 (एस. ओ.)	24-5-80
3.	फा. 4(55)/84—बी एन पी	20-4-85	3459 (एस. ओ.)	27-7-85
4.	फा. 4(55)/84—बी एन पी	29-10-86	—	14-2-87
5.	फा. (55)/84—बी एन पी	22-3-88	1204 (एस. ओ.)	16-4-88
6.	फा. 4(11)/90—करेंसी. (बी एन पी)	12-10-90	2830 (एस. ओ.)	10-11-90
7.	फा. 4(11)/90—करेंसी (बी एन पी)	4-11-91	2943 (एस. ओ.)	30-11-91

(Deptt. of Economic Affairs)

New Delhi, the 16th August, 1996

S.O. 2612.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendment in the order of the Government of India in the Ministry of Finance (Department of Economic

hereby permits M/s. Oriental Carbon & Chemicals Limited, Calcutta to pay consolidated stamp duty of Rupees three lakhs seventy five thousand only, chargeable on account of stamp duty on 18.5 per cent Secured Redeemable Non-convertible debentures bearing distinctive numbers 1 to 500000 of the face value of Rupees One hundred at par of the aggregate value of Rupees five crores to be issued by the said company.

[No. 42/96-Stamp-F. No. 15/12/96-ST]

S. KUMAR, Under Secy.

(आर्थिक कार्य विभाग)

नई दिल्ली, 16 अगस्त, 1996

का.आ. 2612.—केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 34 के साथ पठित नियम के उप नियम (2), नियम 12 के उप नियम (2) के खण्ड (ख) और नियम 24 के उप नियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति एतद्वारा भारत सरकार वित्त मंत्रालय (आर्थिक कार्य विभाग) के दिनांक 28 फरवरी, 1957 के एस.आर. ओ. सं. 627 के तहत आदेश सं. में निम्नलिखित और संशोधन करते हैं। अर्थात् :—

उक्त आदेश की अनुसूची में, भाग II में क्रम सं. (1) की प्रविष्टियों में कालम (1) में, "सहायक निरीक्षक नियंत्रक" शब्दों के बाद "कैंटीन प्रबन्धक, कैंटीन पर्यवेक्षक और कैंटीन भण्डाररक्षक" शब्द जोड़े जायेंगे।

[सं. एक 4/24/95 करेंसी II (बी.एन.पी.)]

बी. के. वेलुकुट्टी, उप-प्रबन्धक (करेंसी और सिक्का)

Affairs) vide SRO No. 627 dated the 28th February, 1957, namely :—

In the Schedule to the said Order, in Part II, in the entries against serial number (1), in column 1, after the words "Assistant Inspector Control", the words "Canteen Manager, Canteen Supervisor and Canteen Store Keeper" shall be inserted.

[No. F. 4/24/95-Cy. II(BNP)]

V. K. VELUKUTTY, Dy. Manager (C&C)

FOOT-NOTE.—Principal Orders published vide S.R.O. No. 627 dated 28-2-1957 and subsequently amended by ;—

Sl. No.	Notification No.	Date	RO/SO No.	Date
1.	F. 10/21/73-BNP.	26-3-76	1349 (RO)	17-4-76
2.	F. 4(36)/79-BNP.	17-4-80	1118 (SO)	24-5-80
3.	F. 4(55)/84-BNP.	20-4-85	3459 (SO)	27-4-85
4.	F. 4(55)/84-BNP.	29-10-85		14-2-87
5.	F. 4(55)/84-BNP.	22-3-88	1204 (SO)	16-4-88
6.	F. 4(11)/90-CY.(BNP)	12-10-90	2830 (SO)	10-11-90
7.	F. 4(11)/90-CY.(BNP)	4-11-81	2943 (SO)	30-11-91

( बैंकिंग प्रभाग )

नई दिल्ली, 30 अगस्त, 1996

का. आ. 2613 :—राष्ट्रीयकृत बैंक ( प्रबंध और प्रकीर्ण उपबंध ) स्कीम, 1980 के खण्ड 3 के उपखण्ड (i) खण्ड 5, खण्ड 6, खण्ड 7 और खण्ड 8 के उपखण्ड (i) के साथ पठित बैंककारी कंपनी उपक्रमों का अर्जद एवं अंतरण अधिनियम, 1980 की धारा 9 की उपधारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, श्री एस० एस० कोहली वर्तमान कार्यपालक निदेशक, पंजाब एंड सिंध बैंक को दिनांक 1 सितम्बर, 1996 से पांच वर्ष की अवधि के लिए श्री के. एस. बैन्स के स्थान पर पंजाब एंड सिंध बैंक में अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[एफ. सं. 9/7/95—बी. ओ. 1]

सुधीर भार्गव, निदेशक

(Banking Division)

New Delhi, the 30th August, 1996

S.O. 2613.—In exercise of the powers conferred by clause (a) of sub-section 3 of section 1 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of Clause 8 of the

Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. S. Kohli, presently Executive Director, Punjab & Sind Bank as Chairman and Managing Director, Punjab & Sind Bank for a period of five years from 1st September, 1996 vice Shri K. S. Bains.

[F. No. 9/7/95-B.O.I.]

SUDHIR BHARGAVA, Director

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

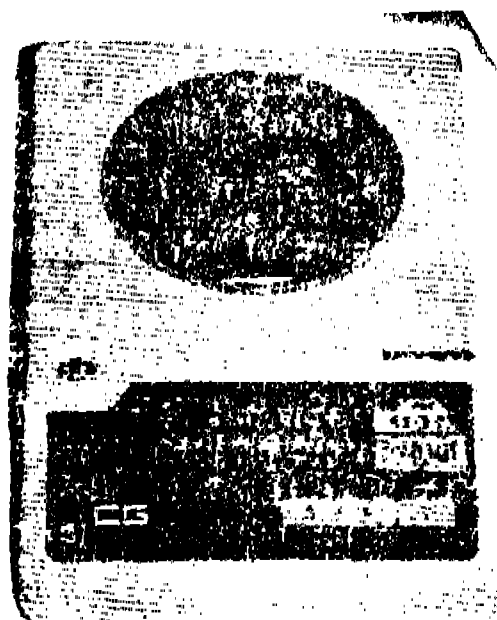
नई दिल्ली, 26 अगस्त, 1996

का. आ. 2614 :—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट ( नीचे आकृति देखिए ) पर विश्वास करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 ( 1976 का 60 ) और बाट और माप मानक ( माडल का अनुमोदन ) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उच्च यथार्थता वर्ग (ii) की “सी जी” सिरीज टाइप के और “संकई” ट्रेडमार्क वाले श्रंकीय संप्रदर्श वाले स्वतः सुचक गैर-स्वचालित इलेक्ट्रॉनिक टेबल टॉप तोलन उपकरण के माडल का ( जिसे इसमें इसके पश्चात् माडल बढ़ा गया है ) जिसका विनिर्माण मैसर्स सनसुई इलेक्ट्रॉनिक्स लिमिटेड, 89/1ए, भवानी पेठ, समीप छमेटी पूल, पुणे-; 411042 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी. / 09/95/61 समनुदिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल ( आकृति देखिए ) एक उच्च यथार्थता ( यथार्थता वर्ग II ) का टेबल टॉप तोलन उपकरण है जिसकी अधिकतम क्षमता 620 ग्राम और न्यूनतम क्षमता 200 मिलीग्राम है। सत्यापन मापमान अंतर ( ई ) 10 मिलीग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। आधार और प्लेटफार्म धात्विक

हैं। भारवाही 140 मिलीमीटर व्यास का बृत्ताकार सेक्शन का है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत् प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है निर्मित

अधिकतम क्षमता	और	“ई” मान के
150 ग्राम, 300 ग्राम, 600 ग्राम वाले		0.01 ग्राम
600 ग्राम वाले		0.02 ग्राम
1500 ग्राम, 3000 ग्राम वाले		0.1 ग्राम
6000 ग्राम, 6200 ग्राम वाले		0.2 ग्राम
12000 ग्राम वाले		1.0 ग्राम और
दोहरी रेंज के		
0—300 ग्राम वाले		“ई” मान 0.1 ग्राम और
301 से 6200 ग्राम वाले		“ई” मान 0.1 ग्राम
0—600 ग्राम वाले		“ई” मान 0.01 ग्राम और
601 से 6200 ग्राम वाले		“ई” मान 0.1 ग्राम
0—300 ग्राम वाले		“ई” मान 0.01 ग्राम और
301 से 3000 ग्राम वाले		“ई” मान 0.1 ग्राम
0—600 ग्राम वाले		“ई” मान 0.01 ग्राम वाले
601 से 3000 ग्राम वाले		“ई” मान 0.1 ग्राम
की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।		

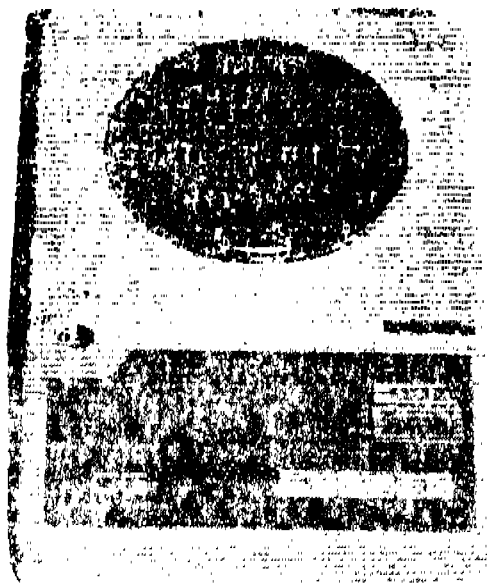
## MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, the 26th August, 1996

S.O. 2614.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, (see figure below) is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic table top weighing instrument with digital display of type "CG" series of class II high accuracy and with the trade mark "SANSUI" (hereinafter referred to as the Model) manufactured by M/s Sansui Electronics Ltd., 89/1A, Bhavani Peth, Near Ghaseti Pool, Pune-411042, and which is assigned the approval mark IND/09/95/61;

The Model (see figure) is a high accuracy (accuracy class II) table top weighing instrument with a maximum capacity of 620g and minimum capacity of 200mg. The verification scale interval (e) is 10 mg. It has a tare device with a 100 percent subtractive retained tare effect. The base and the platform are metallic. The load receptor is of circular section of diameter 140 millimetre. The LCD display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Figure

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with:

Maximum capacity and 'e' value of

150g, 300g, 600g with	0.01g,
600g with	0.02g,
1500g, 3000g with	0.1g
6000g, 6200g with	0.2g,
12000g with	1.0g and
dual range of	
0—300g with	'e' value 0.01g and
301 to 6200g with	'e' 0.1g

0—600g with	'e' value 0.01g and
601 to 6200g with	'e' 0.1g
0—300g with	'e' value 0.01g and
301 to 3000g with	'e' 0.1g
0—600g with	'e' value 0.01g and
601 to 3000g with	'e' 0.1g

Manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(67)/94]

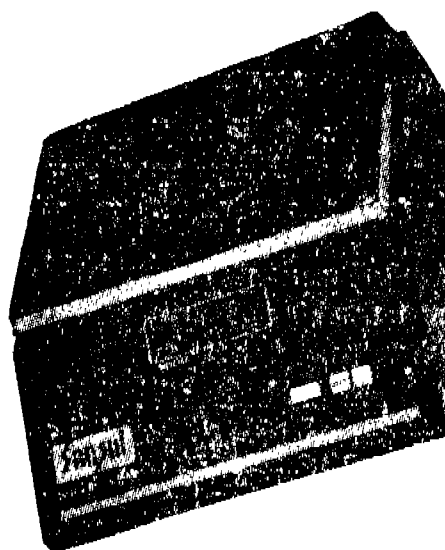
RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 26 अगस्त, 1996

का. आ. 2615 :—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट ( नीचे आकृति देखिए ) पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 ( 1976 का 60 ) और बाट और माप मानक ( माडल का अनुमोदन ) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की श्रद्धा में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उच्च यथार्थता वर्ग II की “एस एस पी” सिरीज टाइप के और “संमुई” ट्रेडमार्क वाले अंकीय संप्रदर्श वाले स्वतः संचालित इलेक्ट्रॉनिक टेबल टॉप तोलन उपकरण के माडल का ( जिसे इसमें इसके पश्चात् माडल कहा गया है ) जिसका विनिर्माण मैसर्स संमुई इलेक्ट्रॉनिक्स लिमिटेड, 89/1 ए, भवानी पेठ, समीप घसेटी पुल, पुणे—411042 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी./09/95/62 समनुदिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल ( आकृति देखिए ) एक उच्च यथार्थता ( यथार्थता वर्ग II ) का टेबल टॉप तोलन उपकरण है जिसकी अधिकतम क्षमता 12 किलो ग्राम और न्यूनतम क्षमता 50 ग्राम है। स्थापन मापमान अंतर (ई) 1 ग्राम है। इसमें एक डेयर युक्ति है जिसका व्यकलात्मक प्रतिधारण डेयर प्रभाव 100 प्रतिशत है। आधार और प्लेटफार्म धात्विक है। भारमापी 230 × 290 मिलीमीटर आकार का आयताकार सेक्शन है। 12.5 मिलीमीटर आकार का प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत् प्रदाय पर प्रचालित होता है।



आकृति

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 1.2 किलोग्राम/0.1 ग्राम, 2.4 किलोग्राम/0.2



ग्राम, 6 किलोग्राम, 0.5 ग्राम और 24 किलोग्राम/2 ग्राम समीक्ष्य मैक, यथार्थता और उर्वी मिरीज के कार्यकरण वाले तोलन उपकरण भी है।

[फा. सं. डब्ल्यू. एम. 21 (67)/94]

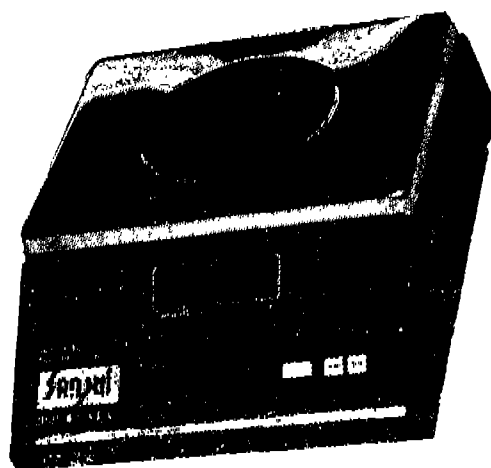
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 26th August, 1996

S.O.2615.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, (see figure below) is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic table top weighing instrument with digital display of type "SSP" series of class II high accuracy and with the trade mark "SANSUI" (hereinafter referred to as the Model) manufactured by M/s Sansui Electronics Ltd., 89/1A, Bhavani Peth, Near Ghaseti Pool, Pune-411042, and which is assigned the approval mark IND/09/95/62;

The Model (see figure) is a high accuracy (accuracy class II) table top weighing instrument with a maximum capacity of 12 kg and minimum capacity of 50 g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The base and the platform are metallic. The load receptor is of rectangular section size 230×290 millimetre. LCD display of 12.5 mm character indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with 1.2 kg/0.1g, 2.4 kg/0.2g, 6 kg/0.5g and 24 kg/2g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[File No. WM 21(67)/94]

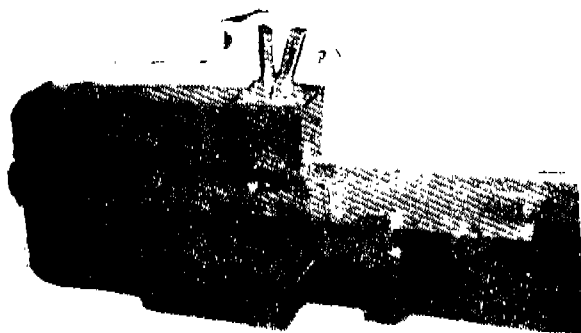
RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 26 अगस्त, 1996

का. आ. 2616 :—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट ( नीचे आकृति देखिए ) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 ( 1976 का 60 ) और बाट और माप मानक ( माडल का अनुमोदन ) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यथार्थता वर्ग III के सिरिज एम. डब्ल्यू. बी. सिरिज के स्वतःसंचालित यांत्रिक तुला चीकी के माडल का ( जिसे इसमें इसके पश्चात् माडल कहा गया है ) जिसका विनिर्माण मैसर्स नाने तुलामन मन्फेक्चरर्स प्राइवेट लिमिटेड, बालानगर टाउनशिप, हैदराबाद—500037 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी 09/95/21 समनुदिष्ट किया गया है; अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल ( आकृति देखिए ) एक मध्यम यथार्थता ( यथार्थता वर्ग III ) 4 पाइंट ग्रवेल वाली यांत्रिकी तुला चीकी है जिसकी अधिकतम क्षमता 40000 किलोग्राम और न्यूनतम क्षमता 100 किलोग्राम है। स्थापन मापमान अंतर (ई) 5 किलोग्राम है। मटीलियार्ड सोल परिणाम उपदर्शित करता है। यह उपकरण गर्त प्रकार से और गर्तहीन प्रकार से दोनों प्रकार से संस्थापित किया जा सकता है।



आकृति

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 5 टन, 10 टन, 15 टन, 20 टन, 30 टन, 40 टन, 50 टन, 60 टन, 80 टन और 100 टन की अधिकतम क्षमता वाले समरूप पैक, यथार्थता और उसी सिरिज के कार्य-करण वाले तोलन उपकरण भी हैं।

[फा. स. डब्ल्यू. एम. 21 ( 32 )/92]

राजीव श्रीवास्तव, संयुक्त सचिव

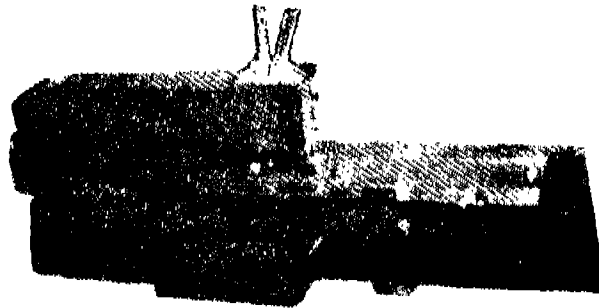
New Delhi, the 26th August, 1996

S.O. 2616.—Whereas the Central Government, after considering the report submit to it by the prescribed authority, is satisfied that the Model described in the said report (see report given below) is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights

and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of self-indicating non-automatic mechanical weighbridge of series MWB series of class III Medium accuracy (hereinafter referred to as the Model) manufactured by M/s Narne Tulaman Manufacturers Pvt. Ltd., Balanagar Township, Hyderabad-500037 and which is assigned the approval mark IND/09/95/21;

The Model (see figure) is a medium accuracy (accuracy class III) mechanical weighbridge with 4 point support with a maximum capacity of 40000 kg and minimum capacity of 100 kilogram. The verification scale interval (e) is 5 kg. The steelyard indicates the weighing result. The load receptor is of steel structure of size 8 m x 3 m. The instrument could be installed both pit type and pitless type.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity 5t, 10t, 15t, 20t, 30t, 40t, 50t, 60t, 80t and 100t manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(32)/92]

RAJIV SRIVASTAVA, Jt. Secy.

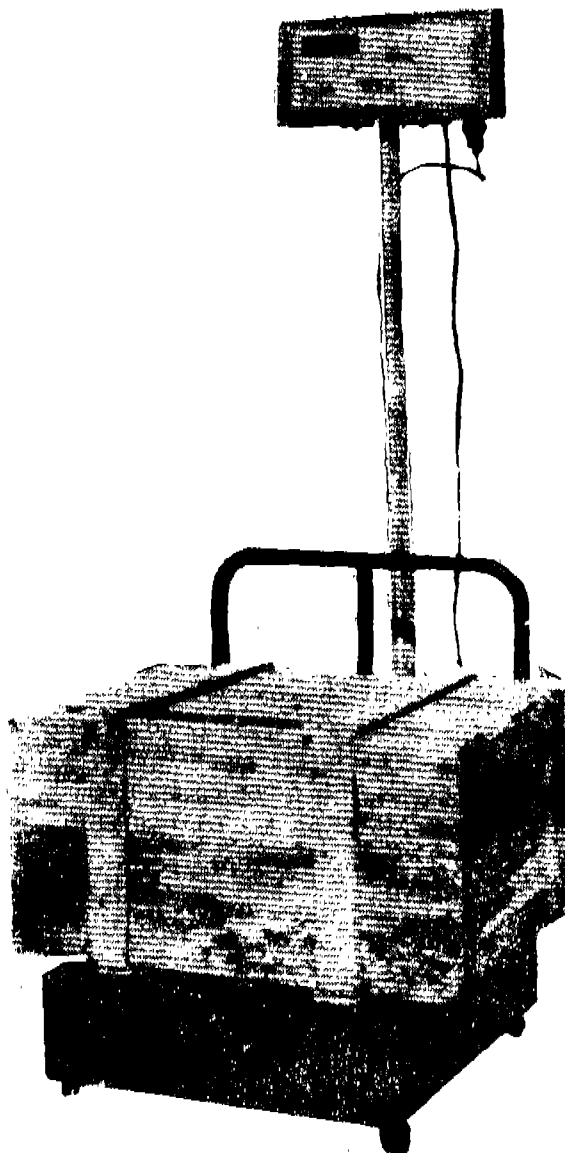
नई दिल्ली, 26 अगस्त, 1996

का. आ. 2617 :—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट ( नीचे आकृति देखिए ) पर विचार करने के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 ( 1976 का 60 ) और बाट और माप मानक ( माडल का अनुमोदन ) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बर्ग 3 के टाइप “टीपी इ एस” मिराज के स्वतःचालक गैर-स्वचालित प्लेटफार्म तोलन मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है ) जिसका विनिर्माण मैसर्स तुला इंटरप्राइजेज, मुम्बई द्वारा किया गया है और जिसे अनुमोदन चिह्नन आई. एन. डी./09/95/02 समनुविष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल ( आकृति देखिए ) एक मध्यम यथार्थता ( यथार्थता बर्ग 3 ) का तोलन उपकरण जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 400ग्राम है। मत्यापन मापमान अंतर (ई) 20 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। आधार और प्लेटफार्म धात्विक है। भारग्राही वर्गीकार आकृति का है जिसका पाखंड 460 x 460 मिलीमीटर है। प्रकाश उत्सर्जन डायोड 10 मिलीमीटर संप्रतीक आकार का

अंकीय संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 250 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत् प्रवाय पर चालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 50 किलोग्राम, 60 किलोग्राम, 120 किलोग्राम, 150 किलोग्राम, 200 किलोग्राम, 500 किलोग्राम, 1000 किलोग्राम और 2000 किलोग्राम, की अधिकतम क्षमता वाले समरूप मैक, यथाविता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

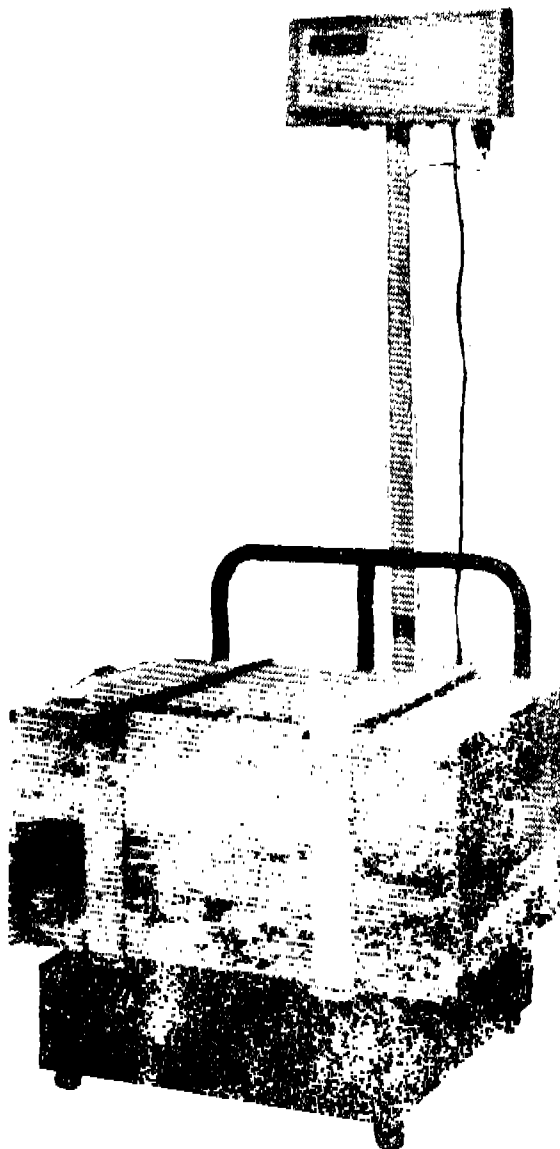
[फा. सं. डब्ल्यू. एम. 21 (42) / 94]  
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 26th August, 1996

S.O. 2617.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic platform weighing machine of type "TPES" series class III (hereinafter referred to as the Model) manufactured by M/s Tools enterprises, 10, Ruby Ind. Estate, Chincholi Bunder Road, Mumbai-400064, and which is assigned the approval mark IND/09/95/02;

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 100 kg and minimum capacity of 400 gram. The verification scale interval (e) is 20 g. It has a tare device with a 100 percent subtractive retained tare effect. The base and the platform are metallic. The load receptor is of square shape of sides 460 x 460 millimetre. The LED digital display of character size 10 millimetre indicates the weighing result. The instrument operates on 250 volts 50 hertz alternate power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of the same series with maximum capacity of 50 kg, 60 kg, 120 kg, 150 kg, 200 kg, 500 kg, 1000 kg and 2000 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(42)/94]

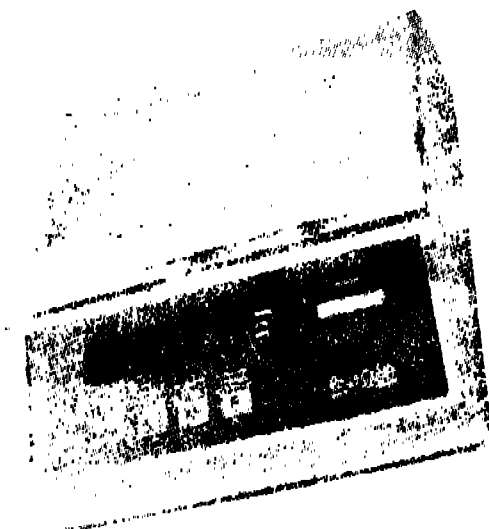
RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 30 अगस्त, 1996

का.आ. 2618.— केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट (नावे प्राकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उच्च यथार्थता वर्ग (की ई.एन.टी.टाइप के अंकीय संप्रदर्श वाले और ईगल ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित टेबल टॉप तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स ई.जी. काटेवाला, 203, जंजीकर स्ट्रीट, निकट जुगा मस्जिद मुम्बई-400003 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई.एन.डी./09/96/05 समनुद्दिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (प्राकृति देखिए) एक उच्च यथार्थता (यथार्थता वर्ग) का तोलन उपकरण जिसकी अधिकतम क्षमता 12 किलोग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान अंतर (ई) 1 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्याकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयताकार सैक्शन का है जिसका आकार 200 × 250 मिलीमीटर है। प्रकाश उत्सर्जन डायोड संप्रदर्श परिणाम उपदर्शित करता है। यह उपकरण 250 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



अतः, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित

“ई” मान 100 मि.ग्रा.	—	अधिकतम क्षमता 1 किलोग्राम, 1.2 किलोग्राम और 1.5 किलोग्राम
“ई” मान 200 मि.ग्रा.	—	अधिकतम क्षमता 2 किलोग्राम, 2.4 किलोग्राम और 3 किलोग्राम
“ई” मान 500 मि.ग्रा.	—	अधिकतम क्षमता 5 किलोग्राम और 6 किलोग्राम
“ई” मान 1 ग्राम	—	अधिकतम क्षमता 10 किलोग्राम और 15 किलोग्राम
“ई” मान 2 ग्राम	—	अधिकतम क्षमता 20 किलोग्राम, 54 किलोग्राम और 30 किलोग्राम
“ई” मान 5 ग्राम	—	अधिकतम क्षमता 50 किलोग्राम

की अधिकतम क्षमता वाले समरूप मैक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा.सं. डब्ल्यू. एम 21(55) 93]

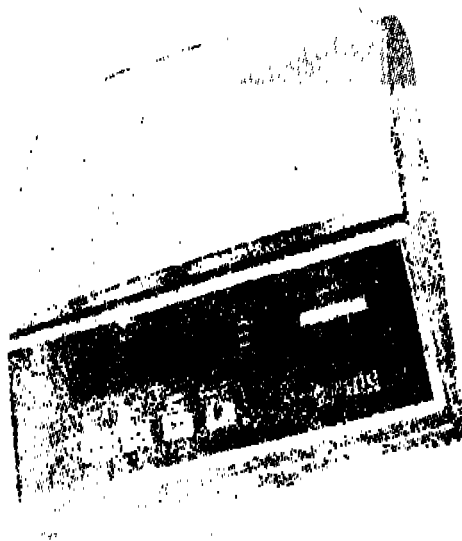
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 30th August, 1996

S.O. 2618.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, (see figure below) is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating non-automatic table top weighing instrument with digital display of type ELB of class II High accuracy with the brand name Eagle, (hereinafter referred to as the model) manufactured by E.G. Kantewala, 203, Janjika Street, Near Juma Masjid, Mumbai—400003, Maharashtra State, and which is assigned the approval mark IND/09/96/05;

The model (see figure) is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 12 kg and minimum capacity of 20 g. The verification scale interval (e) is 1 gram. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of size 200×250 millimetres. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of;

- 'e' value 100 mg—Maximum capacity 1 kg, 1.2 kg & 1.5 kg
- 'e' value 200 mg—Maximum capacity 2 kg, 2.4 kg & 3 kg
- 'e' value 500 mg—Maximum capacity 5kg & 6 kg
- 'e' value 1 g —Maximum capacity 10 kg & 15 kg
- 'e' value 2 g —Maximum capacity 20 kg, 24 kg & 30 kg
- 'e' value 5 g —Maximum capacity 50 kg

manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[File No. WM-21(55)/93]  
RAJIV SRIVASTAVA, Jt. Secy.

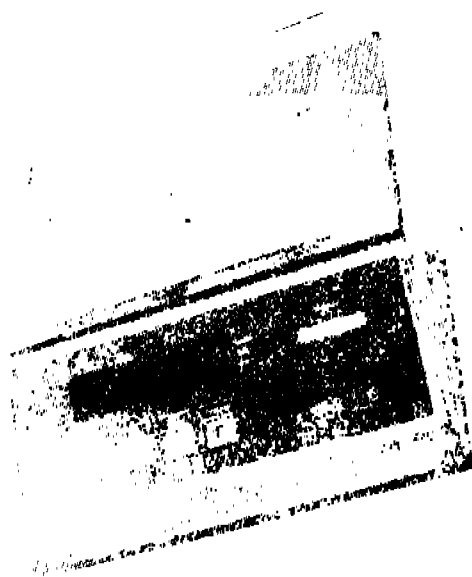
नई दिल्ली, 30 अगस्त, 1996

का.आ. 2619 केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम 1976

(1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता वर्ग (III) की ई एल टी टाइप के अंकीय संप्रदर्श वाले और ईगल आउ नाम वाले सूक्ष्म गैर-स्वचालित टेबल टॉप तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स ई.जी. कांटेबाला, 203, जंजीकर स्ट्रीट, निकट जमा मस्जिद, मुम्बई-400003 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी./09/06 समनुदिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग-III) का तोलन उपकरण जिसकी अधिकतम क्षमता 5 किलोग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान अंतर (ई) 1 ग्राम है इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयताकार सैक्शन का है जिसका आकार  $200 \times 250$  किलोमीटर है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 250 वोल्ट, 50 हर्ट्स के प्रत्यावर्ती धारा विद्युत प्रवाय पर प्रचालित होता है।



अग्रे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत के अनुसार और सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित

"ई" मान 100 मि.ग्रा.	—	अधिकतम क्षमता 500 ग्राम और 750 ग्राम
"ई" मान 200 मि.ग्रा.	—	अधिकतम क्षमता 1 किलोग्राम और 1.5 किलोग्राम
"ई" मान 500 मि.ग्रा.	—	अधिकतम क्षमता 2 किलोग्राम, 2.5 किलोग्राम, 3 किलोग्राम और 4 किलोग्राम
"ई" मान 1 ग्राम	—	अधिकतम क्षमता 6 किलोग्राम और 8 किलोग्राम
"ई" मान 2 ग्राम	—	अधिकतम क्षमता 10 किलोग्राम, 12 किलोग्राम और 15 किलोग्राम
"ई" मान 5 ग्राम	—	अधिकतम क्षमता 15 किलोग्राम, 20 किलोग्राम, 25 किलोग्राम, 30 किलोग्राम और 40 किलोग्राम
"ई" मान 10 ग्राम	—	अधिकतम क्षमता 50 किलोग्राम और 60 किलोग्राम

की अधिकतम क्षमता वाले समरूप मैक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी है।

[क्र.सं. डब्ल्यू.एम. 21(55) 93]

राजीव श्रीवास्तव, संयुक्त सचिव

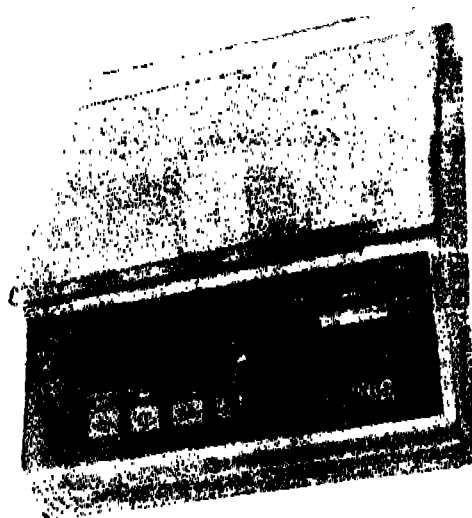


New Delhi, the 30th August, 1996

S.O. 2619.—Whereas the Central Government after considering the report submitted to it by the prescribed (see figure below) is satisfied that the Model described in the said report is in conformity with the provisions of the standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating non-automatic table top weighing instrument with digital display of type ELT of class III medium accuracy with the brand name Eagle, (hereinafter referred to as the model) manufactured by F.G. Kantewala, 203, Janjekar Street, Near Juma Masjid, Mumbai—400003, Maharashtra State, and which is assigned the approval mark IND/09/96/06;

The model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 5 kg and minimum capacity of 20 g. The verification scale interval (e) is 1 gram. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of size 200 × 250 millimetres. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of :—

- 'e' value 100 mg—Maximum capacity 500g & 750g
- 'e' value 200 mg—Maximum capacity 1 kg & 1.5 kg
- 'e' value 500 mg—Maximum capacity 2kg, 2.5kg, 3kg, 4kg
- 'e' value 1 g —Maximum capacity 6kg & 8kg
- 'e' value 2 g —Maximum capacity 10 kg, 12 kg & 15 kg
- 'e' value 5 g —Maximum capacity 15kg, 20kg, 25kg, 30kg, and 40kg
- 'e' value 10 g —Maximum capacity 50 kg & 60 kg

manufactured by the same manufacturer in accordance with the same principle and with the same materials with which the approved model has been manufactured.

[File No. WM-21(55)/93]

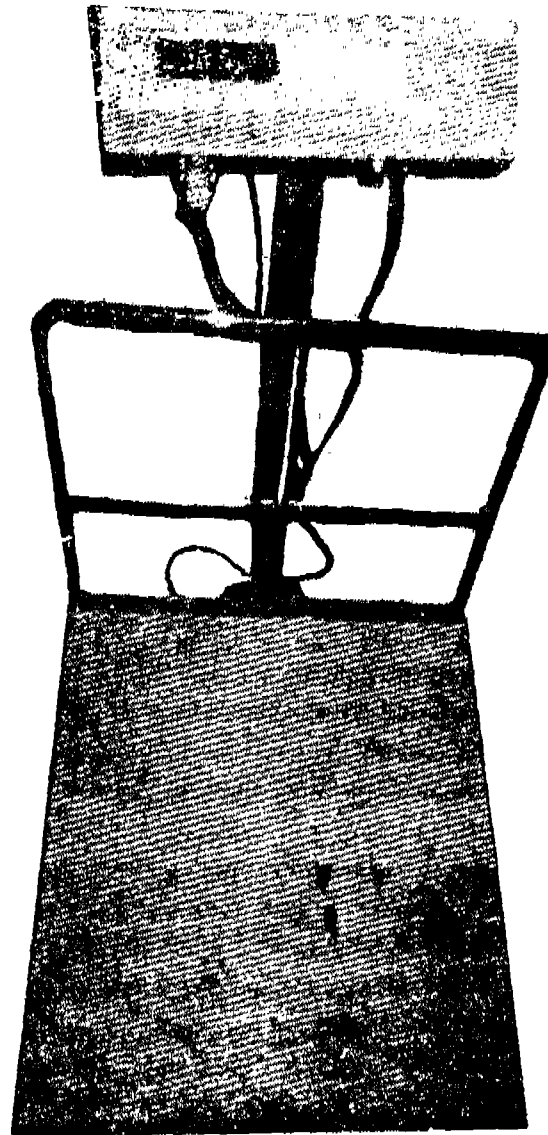
RAJIV SRIVASTAVA, Jt. Sec

नई दिल्ली, 30 अगस्त, 1996

का.आ. 2620 केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि यह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्यम यथार्थता वर्ग III (ई एल पी टाईप के अंकीय संप्रदर्श वाले और ईगल ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित गैर-स्वचालित प्लेटफार्म तौलन उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स ई.जी. काटेवाला, 203 जंजीकर स्ट्रीट, निकट जुमा मस्जिद, मुम्बई-5400053 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी./09/96/07 समनुदिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक उच्च यथार्थता वर्ग) का तौलन उपकरण जिसकी अधिकतम क्षमता 50 किलोग्राम और न्यूनतम क्षमता 200 ग्राम है। स्तथापन मापमान अंतर (ई) 10 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयताकार सेक्शन का है जिसका आकार 500—600 मिलीमीटर है। प्रकाश उत्सर्जन डायोड संप्रदर्शन परिणाम उपदर्शित करता है यह उपकरण 250 वोल्ट, 5 वोल्ट हर्ट्ज के धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित

"ई" मान 5 ग्राम	--	अधिकतम क्षमता 30 किलोग्राम
"ई" मान 10 ग्राम	--	अधिकतम क्षमता 30 किलोग्राम, 50 किलोग्राम, 60 किलोग्राम
"ई" मान 20 ग्राम	--	अधिकतम क्षमता 80 किलोग्राम, 100 किलोग्राम 120 किलोग्राम और 150 किलोग्राम
"ई" मान 50 ग्राम	--	अधिकतम क्षमता 150 किलोग्राम, 200 किलोग्राम, 305 किलोग्राम और 400 किलोग्राम
"ई" मान 100 ग्राम	--	अधिकतम क्षमता 300 किलोग्राम और 400 किलोग्राम, 500 किलोग्राम; 600 किलोग्राम, 800 किलोग्राम और 1000 किलोग्राम
"ई" मान 200 ग्राम	--	अधिकतम क्षमता 1000 किलोग्राम
"ई" मान 500 ग्राम	--	अधिकतम क्षमता 2 टन, 2.5 टन, 3 टन और 4 टन

की अधिकतम क्षमता वाले समूह्य भैक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा.सं. डब्ल्यू.एम. 21(55)/93]

राजीव श्रीवास्तव, संयुक्त सचिव

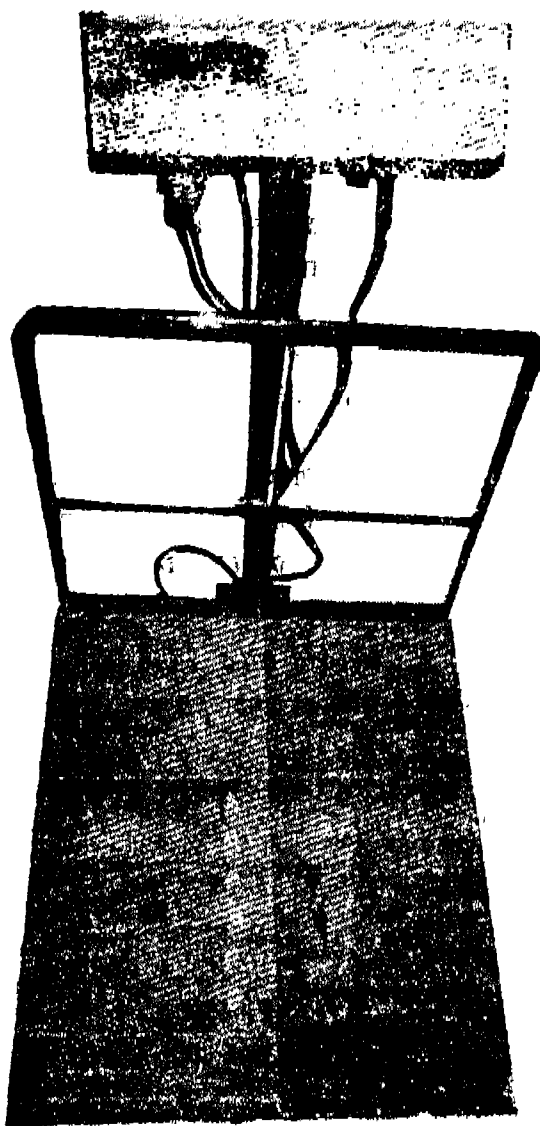
New Delhi, the 30th August, 1996

S.O.2620 . .Whereas the Central Government after considering the report submitted to it by the prescribed authority, (see figure below) is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act the Central Government hereby publishes the certificate of approval of the model of the self-indicating non-automatic platform weighing instrument with digital display of the ELP of class III medium accuracy with the brand name Eagle, (hereinafter referred to as the model) manufactured by E.G. Kantewala, 203, Janjikar Street, Near Juma Masjid, Mumbai-400 003, Maharashtra State, and which is assigned the approval mark IND/09/96/07;

The model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 50 kg and minimum capacity of 220 g. The verification scale interval (e) is 10 gram. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of size 500 × 600 millimetres

The LED display indicates the weighing result. The instrument operates on 230 volts, 50-Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make accuracy and performance of same series with maximum capacity of.—

- 'e' value 5 g — Maximum capacity 30kg
- 'e' value 10 g — Maximum capacity 30kg, 50kg. & 60kg
- 'e' value 20 g — Maximum capacity 80 kg, 100kg, 120 kg and 150 kg
- 'e' value 50 g — Maximum capacity 150kg, 200kg, 250kg, 300kg and 400kg
- 'e' value 100g — Maximum capacity 300kg, 400kg, 500kg, 600kg, 800kg & 1000kg
- 'e' value 200g — Maximum capacity 1500kg. only
- 'e' value 500g — Maximum capacity 2t, 2.5t, 3t & 4t

manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[File No WM 21 (55)/93]  
RAJIV SRIVASTAVA, Jt. Secy.

मानव संसाधन विकास मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 12 अगस्त, 1996

का.प्रा. 2621—केन्द्रीय सरकार, राजभाषा (संघ के भाषाकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10 के उप-नियम 4 के अनुसरण में मानव संसाधन विकास मंत्रालय, संस्कृति विभाग के अधीन निम्नलिखित कार्यालय को जिसके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

नेहरू स्मारक संग्रहालय एवं पुस्तकालय  
तीन मूर्ति भवन, नई दिल्ली-110011

[सं. 1-2/95-हिन्दी]

शिव नारायण सिंह, उप सचिव

## MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Culture)

New Delhi, the 12th August, 1996

S.O. 2621.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Languages (use for official purpose of the Union) Rules, 1976 the Central Govt. hereby notifies the following office under the Ministry of Human Resource Development, Department of Culture more than 80 per cent staff of which has acquired working knowledge of Hindi :—

Nehru Memorial Museum and Library,  
Teen Murti Bhawan, New Delhi-110011.

[No. F. 1-2/95-Hindi]  
S. N. SINGH, Dy. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

शुद्धि पत्र

नई दिल्ली, 2 सितम्बर, 1996

का.प्रा. 2622—भारत का राजपत्र दिनांक 7-10-95 के पृष्ठ 3585, 3586, 3587, 3588 और 3589 पर प्रकाशित भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई अधिसूचना संख्या का.प्रा. 2683 दिनांक 19-9-96 ग्राम-मानेपुर फर्गुड, परगना व तहसील औरैया, जिला इटावा की प्रकाशित सूची के स्तम्भ 5 व 6 में निम्न प्रकार पढ़ा जाये :—

राजपत्र में प्रकाशित		निम्नानुसार पढ़ा जाये	
5	6	5	6
गाटा संख्या	क्षेत्र	गाटा संख्या	क्षेत्र
23 (ए)	0.04	33 (ए)	0.04
23 (बी)	0.44	33 (बी)	0.44

[संख्या एम-14016/17/94-जी.पी.]

अश्वेन्दु सैन, निदेशक

शुद्धि पत्र

नई दिल्ली, 2 सितम्बर, 1996

का.प्रा. 2623—भारत का राजपत्र विभांक 7-10-95 के पृष्ठ 3585, 3586, 3587, 3588 और 3589 पर प्रकाशित भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (i) के अधीन जारी की गई अधिसूचना संख्या का.प्रा. 2683 दिनांक 19-9-95 ग्राम-अकबरपुर टाण्डा, परगना व तहसील-औरैया, जिला इटावा की प्रकाशित सूची के स्तम्भ 5 व 6 में निम्न प्रकार पढ़ा जाये :—

राजपत्र में प्रकाशित		निम्नानुसार पढ़ा जाये	
5	6	5	6
गाटा संख्या	क्षेत्र	गाटा संख्या	क्षेत्र
168	0.04	168	0.40

[संख्या एम-14016/17/94जी.पी.]

अश्वेन्दु सैन, निदेशक

शुद्धि पत्र

नई दिल्ली, 2 सितम्बर, 1996

का.प्रा. 2624—भारत का राजपत्र विभांक 17-2-96 के पृष्ठ 579, 580, 581 और 582 पर प्रकाशित भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उपधारा (i) के अधीन जारी की गई अधिसूचना संख्या का.प्रा. 473 दिनांक 1-2-96 ग्राम-भाराजी, दरगाह फर्गुड, परगना व तहसील-औरैया, जिला इटावा की प्रकाशित सूची के स्तम्भ 5 व 6 में निम्न प्रकार पढ़ा जाये :—

राजपत्र में प्रकाशित		निम्नानुसार पढ़ा जाये	
5	6	5	6
गाटा संख्या	क्षेत्र	गाटा संख्या	क्षेत्र
833	0.17	883	0.17

[संख्या एम-14016/17/94 जी.पी.]

अश्वेन्दु सैन, निदेशक

शुद्धि पत्र

नई दिल्ली, 2 सितम्बर, 1996

का.प्रा. 2625—भारत का राजपत्र विभांक 25-2-95 के पृष्ठ 602, 603, 604, 605, 606 और 607 पर प्रकाशित भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 8 की उपधारा (1) के अधीन जारी की गई अधिसूचना संख्या का.प्रा. 508 दिनांक 11-2-95 ग्राम-वरसपुर, परगना व

तहसील-औरैया, जिला इटावा की प्रकाशित सूची के स्तम्भ 5 व 6 में निम्न प्रकार पढ़ा जाये :—

राजपत्र में प्रकाशित		निम्नानुसार पढ़ा जाये	
5	6	5	6
गाटा संख्या	क्षेत्र	गाटा संख्या	क्षेत्र
360	0.19	367	0.19

[संख्या एन-14018/17/94-जी.पी.]

अध्वंशु सेन, निदेशक

नई दिल्ली, 2 सितम्बर, 1996

का.भा. 2626.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में ऐसा आवश्यक है कि पश्चिमी बंगाल राज्य में मौजूदा हल्दिया-मौरीग्राम-राजबंज पाइपलाइन से शाखा संपर्क लाइन के माध्यम से बज-बज तक पेट्रोलियम के परिवहन के लिये इंडियन आयल कार्पोरेशन लिमिटेड द्वारा बसुदेवपुर गांव से बज-बज तक पाइपलाइन बिछाई जाये;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिये इस अधिसूचना से उपाय अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 80) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितवन्त कोई व्यक्ति उस तारीख से जिसको, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, से 21 दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आवेप श्री विश्वनाथ बोस, सक्षम प्राधिकारी, इंडियन आयल कार्पोरेशन लिमिटेड, हल्दिया-बज-बज पाइपलाइन परियोजना, पोस्ट आफिस हल्दिया रिफाइनरी, जिला मियनापुर, पश्चिमी बंगाल को कर सकेगा :—

#### अनुसूची

पुलिस स्टेशन : उलबेरिया		जिला : हावड़ा		राज्य : पश्चिमी बंगाल	
गांव	जोएल	प्लाट	क्षेत्र		
	सं.	सं.	हेक्टेयर	आरे	सेंटीआरे
1	2	3	4	5	6
रजुदेवपुर	99	1431	0	2	83
		1435	0	1	38
		1436	0	3	61
		1437	0	3	64
		1457	0	17	0

1	1	3	4	5	6
रजुदेवपुर (आरे)		1458	0	2	43
		1459	0	0	81
		1460	0	13	76
		1461	0	8	9
		1462	0	1	62
		1466	0	1	62
		1467	0	4	86
		1471	0	0	20
		1477	0	0	16
		1478	0	0	81
		1486	0	3	24
धरमंगा-बासुदेवपुर	100	27	0	4	5
		28	0	4	86
		29	0	0	40
		30	0	6	48
		31	0	1	62
		32	0	4	45
		35	0	4	86
		36	0	8	50
		43	0	6	7
		45	0	3	64
		46	0	3	24
		60	0	3	24
		61	0	5	26
		62	0	5	67
		63	0	3	24
		64	0	4	86
		65	0	2	83
		66	0	2	83
		67	0	3	64
		73	0	0	20
		76	0	2	83
		77	0	4	45
		78	0	2	83
		81	0	0	20
		82	0	1	62
		690	0	4	45
		691	0	2	83
		695	0	0	20
		696	0	2	2
		697	0	0	81
		698	0	3	24
		699	0	0	45
		1032	0	6	7
		1033	0	0	40
		1036	0	4	43
		700	0	2	43
		701	0	1	62
		711	0	0	40
		712	0	4	86
		713	0	3	24
		716	0	1	62
		717	0	4	5
		724	0	1	21
		725	0	6	88
		726	0	0	20

1	2	3	4	5	6	1	2	3	4	5	6
घरमंगवासुदेवपुर-जारी						क्याजपुरा-जारी					
	730		0	0	61			378	0	4	86
	731		0	0	40			382	0	19	43
	732		0	4	5			422	0	1	62
	733		0	0	20			423	0	3	644
	735		0	0	20			424	0	3	2
	977		0	0	81			425	0	3	64
	978		0	0	20			426	0	3	24
	979		0	2	83			428	0	2	4
	980		0	0	20			432	0	0	40
	991		0	0	61			433	0	0	40
	992		0	0	40			435	9	1	62
	993		0	2	43			436	0	4	45
	995		0	0	40			437	0	0	40
	996		0	0	40			440	0	2	43
	997		0	4	5			473	0	2	2
	998		0	18	62			544	0	0	81
	999		0	0	40			635	0	0	81
	1000		0	1	62			636	0	4	45
	1001		0	0	61			638	0	3	24
	1002		0	2	2			639	0	1	62
	1018		0	4	86			641	0	8	9
	1027		0	0	40			643	0	0	40
	1030		0	0	20			644	0	2	
	1031		0	0	16			645	0	0	2
	19		0	0	20			650	0	0	2
	1201		0	0	61			684	0	2	43
क्याजपुरा						साहपुर					
32	82		0	0	81	33	409		0	2	83
	224		0	0	81		423		0	2	2
	225		0	1	21		424		0	0	81
	228		0	0	40		425		0	0	81
	229		0	0	207		429		0	0	61
	230		0	0	81		430		0	5	67
	231		0	10	93		431		0	8	9
	232		0	0	40		455		0	21	85
	233		0	0	20		465		0	6	88
	236		0	3	64		466		0	6	48
	237		0	0	20		467		0	6	88
	238		0	0	40		483		0	5	67
	239		0	2	2		484		0	8	9
	240		0	3	64		487		0	4	45
	241		0	2	43		488		0	3	24
	242		0	2	83		493		0	0	20
	244		0	0	40		536		0	0	40
	246		0	6	7		537		0	0	40
	257		0	1	21		538		0	0	40
	258		0	1	21		539		0	1	21
	272		0	3	24		540		0	1	62
	277		0	2	43		541		0	2	43
	279		0	2	2		542		0	3	24
	280		0	0	40		543		0	2	2
	281		0	0	40		544		0	0	81
	282		0	2	43		545		0	2	43
	283		0	0	40		546		0	0	40
	286		0	3	24		547		0	0	40
	373		0	0	20		551		0	0	2

1	2	3	4	5	6	1	2	3	4	5	6
राहपुर—जारी		552	0	4	86	रघुदेववाती—जारी		312	0	0	40
		588	0	1	21			317	0	1	62
		590	0	0	81			319	0	17	81
		592	0	1	62			320	0	0	81
		593	0	1	62			335	0	5	26
		594	0	0	81			336	0	4	5
		595	0	2	43			337	0	5	67
		596	0	0	40			338	0	6	7
		597	0	0	20			339	0	4	86
		599	0	0	20			340	0	0	81
		600	0	0	81			343	0	1	21
		602	0	2	43			384	0	6	48
		603	0	14	97			387	0	8	50
		604	0	0	40			388	0	0	40
		605	0	0	81			389	0	4	5
		606	0	4	86			390	0	8	9
		607	0	0	81			391	0	9	31
		1203	0	10	12			392	0	3	24
		325	0	0	81			397	0	0	20
		1081	0	1	62			401	0	0	40
		1092	0	1	62			402	0	8	9
		1096	0	5	26			997	0	0	20
		1098	0	4	86						
		1102	0	2	2	चकमधू	11	1	0	1	62
		1103	0	3	24			319	0	0	20
		1104	0	6	48	जाम नगर	10	93	0	14	97
		1156	0	8	90			97	0	5	67
		1157	0	2	83			98	0	0	40
		1158	0	1	62			99	0	0	20
		1159	0	5	67			100	0	4	5
		1161	0	1	21			103	0	4	5
		1162	0	3	64			104	0	0	20
		1176	0	1	21			109	0	0	81
		1177	0	5	26			111	0	9	71
		1180	0	1	21			112	0	4	86
		1181	0	0	40			114	0	3	64
		1182	0	16	19			115	0	3	64
		1184	0	14	97			393	0	24	28
		1185	0	3	64			394	0	1	21
		1186	0	6	88			395	0	0	40
		2162	0	10	52			396	0	16	00
		2163	0	3	24			397	0	2	83
		2168	0	0	81			402	0	1	62
		2177	0	3	24			403	0	2	2
		2178	0	0	81			404	0	3	64
		2180	0	0	61			407	0	14	57
		2182	0	2	83			409	0	0	20
		2183	0	4	5			410	0	1	62
		2352	0	4	86			411	0	8	50
		2353	0	1	21			412	0	9	31
								102	0	6	48
नालपुर	12	1032	0	4	5	रमेसर नगर	8	314	0	2	43
		1046	0	2	43			317	0	0	40
रघुदेववाती	13	276	0	7	69			319	0	5	67
		277	0	9	71			320	0	4	45



1	2	3	4	5	6
		321	0	4	5
		346	0	4	5
		348	0	7	23
		351	0	1	62
		352	0	4	5
		353	0	10	52
		355	0	0	81
		357	0	3	24
		362	0	0	20
		363	0	0	20
		364	0	20	23
		368	0	3	24
		369	0	2	2
		370	0	4	86
		371	0	6	48
		934	0	18	21
		366	0	19	43
राधा नगर	7	1	0	1	62
		8	0	2	2
		11	0	27	11
		13	0	1	21
		14	0	9	31
		15	0	15	78
		118	0	21	4
		120	0	8	50
		121	0	2	2
		124	0	4	86

[सं. प्रार.-31015/6/96-ओ.प्रार.-I]  
के.सी. कटोच, प्रवर सचिव

## MINISTRY OF PETROLEUM AND NATURAL GAS

### NOTIFICATION

New Delhi, the 2nd September, 1996

S.O. 2626.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products to Budge-Budge through branch tan-off line from existing Hakda-Mourigram Rajbandh Pipeline in the State of West Bengal, a pipeline branch tan-off line from existing Hakda-Mourigram Basudebpur village to Budge-Budge ;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Biswanath Bose, Competent Authority, Indian Oil Corporation Limited, Haldia-Budge-Budge Pipeline Project, P.O. Haldia Refinery, Dist. Midnapur, West Bengal.

2107 GI/96—4

### SCHEDULE

Police Station : Uluberia District : Howrah State : West Bengal

Village	Jl. No.	Plot No.	Area Hec-tare	Are	Centi-are
1	2	3	4	5	6
Raghudevapur	99	1431	0	2	83
		1435	0	1	38
		1436	0	3	64
		1437	0	3	64
		1457	0	17	00
		1458	0	2	43
		1459	0	0	81
		1460	0	13	76
		1461	0	8	9
		1462	0	1	62
		1466	0	1	62
		1467	0	4	86
		1471	0	0	20
		1477	0	0	16
		1478	0	0	81
		1486	0	3	24
Gharbhanga-Basudebpur	100	27	0	4	5
		28	0	4	86
		29	0	0	40
		30	0	6	48
		31	0	1	62
		32	0	4	45
		35	0	4	86
		36	0	8	50
		43	0	6	7
		45	0	3	64
		46	0	3	24
		60	0	3	24
		61	0	5	26
		62	0	5	67
		63	0	3	24
		64	0	4	86
		65	0	2	83
		66	0	2	83
		67	0	3	64
		73	0	0	20
		76	0	2	83
		77	0	4	45
		78	0	2	83
		81	0	0	20
		82	0	1	62
		690	0	4	45
		691	0	2	83
		695	0	0	20
		696	0	2	2
		697	0	0	81
		698	0	3	24
		699	0	0	40
		1032	0	6	7
		1033	0	0	40
		1036	0	4	45
		700	0	2	43
		701	0	1	62
		711	0	0	40

1	2	3	4	5	6	1	2	3	4	5	6
Gharhanga		712	0	4	86	Khayjapur—contd.		424	0	3	24
Baludebpur—contd.		713	0	3	24			425	0	3	64
		716	0	1	62			426	0	3	24
		717	0	4	5			428	0	2	43
		724	0	1	21			432	0	0	40
		725	0	6	88			433	0	0	40
		726	0	0	20			435	0	1	62
		730	0	0	61			436	0	4	45
		731	0	0	40			437	0	0	40
		732	0	4	5			440	0	2	43
		733	0	0	20			473	0	2	2
		735	0	0	20			544	0	0	81
		977	0	0	81			635	0	0	81
		978	0	0	20			636	0	4	45
		979	0	2	83			638	0	3	24
		980	0	0	20			639	0	1	62
		991	0	0	61			641	0	8	9
		992	0	0	40			643	0	0	40
		993	0	2	43			644	0	2	2
		995	0	0	40			645	0	0	20
		996	0	0	40			650	0	0	20
		997	0	4	5			684	0	2	43
		998	0	18	62						
		999	0	0	40	Sahapur	33	409	0	2	83
		1000	0	1	62			423	0	2	2
		1001	0	0	61			424	0	0	81
		1002	0	2	2			425	0	0	81
		1018	0	4	86			429	0	0	61
		1027	0	0	40			430	0	5	67
		1030	0	0	20			431	0	8	9
		1031	0	0	16			455	0	21	85
		19	0	0	20			465	0	6	88
		1201	0	0	61			466	0	6	48
Khayjapur	32	82	0	0	81			467	0	6	88
		224	0	0	81			483	0	5	67
		225	0	1	21			484	0	8	9
		228	0	0	40			487	0	4	45
		229	0	0	20			488	0	3	24
		230	0	0	81			493	0	0	20
		231	0	10	93			536	0	0	40
		232	0	0	40			537	0	0	40
		233	0	0	20			538	0	0	40
		236	0	3	64			539	0	1	21
		237	0	0	20			540	0	1	62
		238	0	0	40			541	0	2	43
		239	0	2	2			542	0	3	24
		240	0	3	64			543	0	2	2
		241	0	2	43			544	0	0	81
		242	0	2	83			545	0	2	43
		244	0	0	40			546	0	0	40
		246	0	6	7			547	0	0	40
		257	0	1	21			551	0	0	20
		258	0	1	21			552	0	4	86
		272	0	3	24			588	0	1	21
		277	0	2	43			590	0	0	81
		279	0	2	2			592	0	1	62
		280	0	0	40			593	0	1	62
		281	0	0	40			594	0	0	81
		282	0	2	43			595	0	2	43
		283	0	0	40			596	0	0	40
		286	0	3	24			597	0	0	20
		373	0	0	20			599	0	0	20
		378	0	4	86			600	0	0	81
		382	0	19	43			602	0	2	43
		422	0	1	62			603	0	14	97
		423	0	3	64			604	0	0	40
								605	0	0	81

1	2	3	4	5	6	1	2	3	4	5	6
Sahapur—contd		606	0	4	86	Khas Khamar—contd.		100	0	4	5
		607	0	0	81			103	0	4	5
		1203	0	10	12			104	0	0	20
		325	0	0	81			107	0	0	81
		1081	0	1	62			111	0	9	71
		1092	0	1	62			112	0	4	86
		1096	0	5	26			114	0	3	64
		1098	0	4	86			115	0	3	64
		1102	0	2	2			393	0	24	28
		1103	0	3	24			394	0	1	21
		1104	0	6	48			395	0	0	40
		1156	0	8	90			396	0	16	**
		1157	0	2	83			397	0	2	83
		1158	0	1	62			402	0	1	62
		1159	0	5	67			403	0	2	2
		1161	0	1	21			404	0	3	64
		1162	0	3	64			407	0	14	57
		1176	0	1	21			409	0	0	20
		1177	0	5	26			410	0	1	62
		1180	0	1	21			411	0	8	50
		1181	0	0	40			412	0	9	31
		1182	0	16	19			102	0	6	48
		1184	0	14	97	Ramesar Nagar	8	314	0	2	43
		1185	0	3	64			317	0	0	40
		1186	0	6	88			319	0	5	67
		2162	0	10	52			320	0	4	45
		2163	0	3	24			321	0	4	5
		2168	0	0	81			346	0	4	5
		2177	0	3	24			348	0	7	28
		2178	0	0	81			351	0	1	62
		2180	0	0	61			352	0	4	5
		2182	0	2	83			353	0	10	52
		2183	0	4	5			355	0	0	81
		2352	0	4	86			357	0	3	24
		2353	0	1	21			362	0	0	20
Nalpur	12	1032	0	4	5			363	0	0	20
		1046	0	2	43			364	0	20	23
Raghudebbati	13	276	0	7	69			368	0	3	24
		277	0	9	71			369	0	2	2
		312	0	0	40			370	0	4	86
		317	0	1	62			371	0	6	45
		319	0	17	81			934	0	18	21
		320	0	0	81			366	0	19	43
		335	0	5	26			1	0	1	62
		336	0	4	5	Radhanagar	7	8	0	2	2
		337	0	5	67			11	0	27	11
		338	0	6	7			13	0	1	21
		339	0	4	86			14	0	9	31
		340	0	0	81			15	0	15	78
		343	0	1	21		7	118	0	21	4
		384	0	6	48			120	0	8	50
		387	0	8	50			121	0	2	2
		388	0	0	40			124	0	4	86
		389	0	4	5						
		390	0	8	9						
		391	0	9	31						
		392	0	3	24						
		397	0	0	20						
		401	0	0	40						
		402	0	8	9						
		997	0	0	20						
Chahmadhu	11	1	0	1	62						
		319	0	0	20						
Khas Khamar	10	93	0	14	97						
		97	0	5	67						
		98	0	0	40						
		99	0	0	20						

[No. R-31015/6/96-OR-I]  
K. C. KATOCH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 20 अगस्त, 1996

का. प्रा. 2627-.-केन्द्रीय सरकार, भारतीय आयु-  
विज्ञान परिषद अधिनियम 1956 (1956 का 102)

का धारा 7 की उपधारा (4) के साथ पठित धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा डा. (श्रामता) एस. कान्ता को भारतीय आयुर्विज्ञान परिषद के एक सदस्य के रूप में नामित करती है और भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना सं. का. आ. 138, तारिख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, धारा 3 की उपधारा (1) के खंड (ड) के अधीन नाम निर्दिष्ट शौर्यक के नीचे क्रम संख्या 5 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टि रखी जाएगी अर्थात् :—

“5. डा. (श्रामता) एस. कान्ता,

कुलपति,

राजाव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय,  
बंगलूर, कर्नाटक

[सं. वा. 11013/33/94—एमईयूजी]

एस. के. मिश्रा, डेस्क अधिकारी

पाद टिप्पण :—प्रधान अधिसूचना दिनांक 9-1-60 के

का. आ. सं. 138 के तहत प्रकाशित को  
गई थी।

#### MINISTRY OF HEALTH AND FAMILY WELFARE (Department of Health)

New Delhi, the 20th August, 1996

S.O. 2627.—In exercise of the powers conferred by sub-section (1) of Section 3, read with sub-section (4) of Section 7 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby nominates Dr. (Mrs.) S. Kantha to be a member of Medical Council of India and makes the following further amendments in the notification of Government of India in the then Ministry of Health, No. S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading “Nominated under clause (c) of sub-section (1) of Section 3”, for serial number 5 and the entry relating thereto, the following shall be substituted, namely :—

“5. Dr. (Mrs.) S. Kantha,  
Vice-Chancellor,  
Rajiv Gandhi University of  
Health Sciences,  
Bangalore, Karnataka.”

[No. V. 11013/33/94-ME(UG)]

S. K. MISHRA, Desk Officer

Footnote :—The principal notification was published vide No. S.O. 138, dated the 9th January, 1960.

वस्त्र मंत्रालय

नई दिल्ली, 3 सितम्बर, 1996

का. आ. 2628 :—इस मंत्रालय की अधिसूचना (एस ओ सं. 2502 दिनांक 24-8-96) के प्रतिस्थापन में, केन्द्रीय सरकार एतद्वारा अधिसूचित करती है कि केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) के खण्ड (ग) के उपखण्ड (3) के धारा 4 के अनुसरण में राज्य सभा ने श्री पी. उपेन्द्र के सदन की सव्यता से

अवकाश ग्रहण से उत्पन्न आकस्मिक रिक्तता पर (बोर्ड का श्री पी. उपेन्द्र की अस्मापतवधि के लिए) श्रीमती रेणुका चौधरी, राज्य सभा सदस्य की अधिनियम के प्रावधानों के तहत 6-3-97 की अवधि तक केन्द्रीय रेशम बोर्ड के सदस्य के रूप में कार्य करने के लिए 24 जुलाई, 1996 को विधिवत चुन लिया है।

[का. सं. 25012/4/91—रेशम]

एस. के. केशव, निदेशक

MINISTRY OF TEXTILES

New Delhi, the 3rd September, 1996

S.O. 2628.—In supersession of this Ministry's Notification (S.O. No. 2502 dated 24-8-96), the Central Government hereby notify that the Rajya Sabha has, in pursuance of clause (c) of sub-section (3) of Section 4 of the Central Silk Board Act, 1948 (61 of 1948), duly elected Smt. Renuka Chowdhury, Member of Rajya Sabha, on 24th July, 1996 to serve as a member of the Central Silk Board on a casual vacancy caused by retirement of Shri P. Upendra from the membership of the House, for a period upto 6-3-97 (the unexpired period of term of Shri P. Upendra to the Board) subject to the provisions of the Act.

[P. No. 25012/4/91-Silk]

S. K. KESHA, Director

श्रम मंत्रालय

नई दिल्ली, 20 अगस्त, 1996

का. आ. 2629 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एंड सिंध बैंक के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अजमेर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[संख्या एल—12012/52/95—आई. आर. बी. 2]

पी. जे. माईकल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 20th August, 1996

S.O. 2629.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Ajmer as shown in the Annexure, in the industrial dispute between the employers in relation to the Punjab and Sind Bank and their workmen, which was received by the Central Government on 19-8-96.

[No. L-12012/52/95-IR(B-II)]

P. J. MICHAEL, Desk Officer

अनुबंध

न्यायालय—श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण—  
अजमेर

प्रकरण संख्या—सी. आई. टी. आर. 02/95

भारत सरकार के श्रम मंत्रालय के आदेश सं. एल—12012/  
52/95 दिनांक 25 जुलाई, 1995

पीठासीन अधिकारी —

श्री हरि सिंह यू. अस्थानी  
ए. ए. जे. एस.गोपाल कृष्ण खन्ना पुत्र श्री नंद  
किशोर खन्ना, निवासी—सी-5,  
नाका मदार गांधी नगर,  
अजमेर

प्रार्थी

बनाम

क्षेत्रीय प्रबन्धक, पंजाब एण्ड  
सिन्ध बैंक, सी—“29”  
बर्फ खाना के पास गोविन्द मार्ग,  
आदर्श नगर, जयपुर।

अप्रार्थी

प्रार्थी स्वयं उग.

श्री एम. के. भार्गव  
अवार्डअप्रार्थी की ओर से  
31-7-1996

1. भारत सरकार के श्रम मंत्रालय ने प्रार्थी और नियोजक से सम्बन्धित यह विवाद इस न्यायालय को प्रेषित किया है जो निम्न प्रकार है:—

“Whether the action of the management of Punjab and Sind Bank, Jaipur in dismissing Sri Gopal Krishan Khanna, Clerk-cum-Cashier from service w.e.f. 30-4-90 is legal and justified? If not, what relief is the said workman entitled to.”

2. हम प्रार्थी द्वारा प्रस्तुत क्लेम और उसके जवाब का संक्षेप में विवरण प्रस्तुत करें, उससे पूर्व यहां यह उल्लेखित करना असंगत नहीं होगा कि प्रार्थी के विरुद्ध की गई जांच को इस न्यायालय ने दिनांक 29-6-96 को फेयर घोषित किया है।

3. प्रार्थी गोपाल कृष्ण खन्ना ने अप्रार्थी क्षेत्रीय प्रबन्धक, पंजाब एण्ड सिन्ध बैंक, सी—“29” बर्फ खाना के पास गोविन्द मार्ग, आदर्श नगर—जयपुर (जिसे संक्षेप में नियोजक कहेंगे) के विरुद्ध संक्षेप में निम्न आशय का स्टेटमेंट ऑफ क्लेम पेश किया गया है।

1. यह कि अजमेर में खुलने जा रही नियोजक की जांच ने दिनांक 19-4-80 को प्रार्थी का नियुक्ति पत्र जारी किया गया।
2. यह कि 6 माह की अवधि में उसकी नियुक्ति कलकर्म कर दी गई।
3. यह कि प्रार्थी द्वारा उच्च अधिकारियों और अन्य कर्मचारियों के अनुचित कार्यों में सहयोग देने से मना करने पर उसे परेशान किया जाने लगा। उसके विरुद्ध आरोप लगाये गये और अनुचित जांच के परिणामस्वरूप उसे 30-4-90 के आदेश द्वारा नियोजक की सेवाओं से पृथक कर दिया गया।
4. यह कि प्रार्थी को सेवा पृथक करने का मानस पूर्व में बना लिया गया और जांच केवल औपचारिकता मात्र थी।

अतः प्रार्थी ने पूर्ण लाभ के साथ निरन्तर सेवा कायम रखते हुए बहाली का अनुतोष चाहा है।

4. नियोजक द्वारा प्रस्तुत जवाब में प्रार्थी द्वारा लगाये गये आरोपों को मिथ्यापूर्ण, निराधार, काल्पनिक, मनगढ़न्त और दुराग्रहपूर्वक बताते हुए यह कहा गया है कि प्रार्थी को आरोप पत्र उसकी अनाधिकृत लगातार लम्बी और आदतन गैर हाजिरी के लिए दिया गया था जिसमें उसके विवरण भी पेश किये गये हैं और पूर्णतः नैसर्गिक न्याय के सिद्धान्त के अनुरूप प्रार्थी को समुचित बचाव का अवसर दिया गया और प्रार्थी के प्रति सहानुभूतिपूर्वक दृष्टिकोण भी अपनाया गया और जांच अधिकारी का निष्कर्ष, साक्ष्य एवं दस्तावेजात पर आधारित है और आदेश विवेकपूर्ण एवं न्याय संगत है। नियोजक ने प्रार्थी का कोष भय हुआ खर्च खर्चज किये जाने का अनुरोध किया है।

5. मैंने औद्योगिक विवाद अधिनियम की धारा 11ए के सम्बन्ध में उभय पक्ष को विस्तार से सुना तथा पत्रावली का अवलोकन किया।

6. प्रार्थी ने मेरे समक्ष निम्न तर्क प्रस्तुत किये:—

1. यह कि केवल अनुपस्थिति ऐसा गंभीर दुराचरण नहीं है जिसके लिए सेवा से पृथक किया जाना उचित हो।
2. यह कि उच्च अधिकारियों की आज्ञा पालन नहीं करने बाबत आरोप सिद्ध नहीं हुए हैं।
3. यह कि उसने ऐसा कोई दुराचरण नहीं किया जिससे बैंक के हितों पर विपरीत प्रभाव पड़ा है।
4. यह कि प्रार्थी को सेवा पृथक किये जाने के आदेश से पूर्व कभी किसी प्रकार की कोई मासित नहीं दी गई।
5. यह कि नियोजक ने सारी कार्यवाही केवल बुमाविना से उसे परेशान करने के लिए की।

प्रार्थी ने अपने तर्कों के समर्थन में मेरा ध्यान डब्ल्यू. एल. सी. ( राज. ) 1955 ( 3 ) पेज—16 आर. एस. आर. टी. सी. बनाम श्री राम यादव की ओर आकषित किया।

7. इसके प्रतिकार में नियोजक के विद्वान अधिवक्ता ने मेरे समक्ष निम्न तर्क प्रस्तुत किये:—

1. यह कि औद्योगिक विवाद अधिनियम की धारा 11-ए का प्रावधान विवेकाधिकार की परिधि में आता है और ऐसे प्रार्थी को इसके तहत अनुतोष नहीं दिया जा सकता, जो स्वच्छ हाथों से न्यायालय में नहीं आया हो।
2. यह कि प्रार्थी के विरुद्ध तीन आरोप लगाये गये थे। तीनों ही आरोप अपने आप में गंभीर थे और उनके सिद्ध होने के बाद प्रार्थी को नियोजक की सेवा में रखना उपयुक्त नहीं समझा गया और जब जांच को न्यायालय ने उचित मान लिया है

तब नियोजक के द्वारा दी गई शास्ति में हस्तक्षेप किये जाने का कोई युक्तियुक्त कारण नहीं है।

3. यह कि प्रार्थी को पूर्व में नियोजक ने सद्भावना के प्रतीक पुनः कार्य पर लेने की ऑफर की थी किन्तु प्रार्थी ने उसे अपनी जिद्द के कारण ना मंजूर कर दिया।

नियोजक के विद्वान अधिवक्ता ने मेरे ध्यान निम्न न्यायिक दृष्टान्तों की ओर आकर्षित किया :—

1. डब्लू. एल. सी. (राज.) 1991 (1) पेज-343 डी. सी. एम. लि. एवं अन्य बनाम लेबर कोर्ट
2. डब्लू. एल. सी. (राज.) 1994 (2) पेज-340 आर. एस. आर. टी. सी. बनाम जज इंडस्ट्रियल ट्राई-ब्यूनाल बीकानेर एवं अन्य
3. डब्लू. एल. सी. (राज.) (3) 1993 पेज-221 गिरीराज प्रसाद बनाम मै. श्री राम रेन्स, कोटा

8. हम धारा 11-ए के संबंध में गुणदोष पर अपना निष्कर्ष दें, उससे पूर्व उभय पक्ष द्वारा प्रस्तुत न्यायिक दृष्टान्तों में दी गई व्यवस्थाओं पर गौर करना उपयुक्त होगा।

9. प्रार्थी द्वारा प्रस्तुत श्री राम यादव वाले दृष्टान्त में माननीय राजस्थान उच्च न्यायालय ने यह व्यवस्था दी है कि किसी कर्मकार को सेवा पृथक जैसे आर्थिक मृत्यु दण्ड देने से पूर्व अनुशासनिक अधिकारी के लिए यह आवश्यक है कि वह वैकल्पिक शक्तियों के सम्बन्ध में अपने मस्तिष्क का प्रयोग करे और उसके लिए अच्छे और पथित कारण भी दर्शाये। माननीय राज. उच्च न्यायालय ने उक्त दृष्टान्त में अनुशासनिक अधिकारी से यह अपेक्षा की है कि वह आरोपों की गंभीरता, उसके परिणामों की प्रकृति, दुराचरण की परिस्थितियों पर विचार करें और स्वयं से प्रश्न पूछे कि क्या दुराचरण इस प्रकृति का था जिसके कारण बहुत गंभीर क्षति पहुंची इस प्रकार के अनेक प्रश्नों का समाधान शास्ति देने से पूर्व अनुशासनिक अधिकारी को करना चाहिए।

10. नियोजक द्वारा प्रस्तुत डी. सी. एम. के दृष्टान्त में माननीय राज. उच्च न्यायालय ने यह व्यवस्था दी है कि श्रम न्यायालय को दी गई शास्ति में हस्तक्षेप करने का तभी अधिकार प्राप्त होगा जब वह इस निष्कर्ष पर पहुंचा हो कि सेवा पृथक का आदेश न्यायोचित नहीं था और समस्त विवेकाधिकार की भांति औद्योगिक विवाद अधिनियम की धारा 11-ए के अधीन भी विवेकाधिकार को युक्ति युक्त और उचित ढंग से प्रयोग में लिया जाना चाहिए, न कि मनमाने ढंग से उक्त मामले में बिना किसी अनुमति के या अवकाश स्वीकृत कराये जब श्रमिक जनवरी, फरवरी, मार्च और अप्रैल 1979 में अनुपस्थित रहा और उससे पूर्व भी वह तीन अवसरों पर अनुपस्थित रहा जिसके लिए तीन बार उसे कुछ दिनों के लिए निलंबित किया गया था। इतने

प्रतीत होता है कि कर्मकार आवतन अनुपस्थित रहता है और उसने बिना स्वीकृत कराए छुट्टी चले जाने और अवकाश के दौरान समाप्ति के बाद भी नहीं लौटने और सामान्यतया अवकाश के लिए प्रार्थना पत्र नहीं भेजने की आदत विकसित कर ली है। हर उद्योग में श्रमिकों को संस्थान की आवश्यकता के अनुसार नियुक्त किया जाता है और यदि श्रमिक बिना अवकाश स्वीकृत कराये या सूचना भेजे अनुपस्थित रहता है तब उद्योग का या मशीन का कार्य या उस यूनिट का कार्य जिसमें उसे नियुक्त किया गया है उससे प्रभावित होना सम्भाव्य है और आरोप पत्र में यह स्पष्ट बता दिया गया था कि बिना स्वीकृत कराये अनुपस्थित रहने से उद्योग के सुचारु संचालन में बाधा उत्पन्न हो रही थी। कभी एक आध बार ही अनुपस्थित का मामला हो वहां उदार दृष्टिकोण अपनाया भी जा सकता है किन्तु जहां अनुपस्थित रहने की पुरानी बीमारी या आदत हो तब सेवा से हटाये जाने के आदेश में हस्तक्षेप करना उचित नहीं होगा। इस न्यायिक दृष्टान्त में माननीय राजस्थान उच्च न्यायालय ने यह प्रेक्षण किया है कि श्रम न्यायालय ने इस तथ्य पर गौर नहीं किया कि श्रमिक को समान आरोपों में पूर्व में तीन बार वंडित भी किया गया था और क्या ऐसी स्थिति में उसके प्रति उदारता दिखाया जाना उचित था।

आर. एस. आर. टी. सी. के द्वितीय न्यायिक दृष्टान्त में उल्लेखित तथ्य नियोजक की उल्लेखनीय सहायता नहीं करते क्योंकि उसके तथ्य भिन्न हैं और उस मामले में सेवा पृथक करने का आदेश नहीं दिया गया था। अतः 11-ए, उसमें आकर्षित नहीं होती थी किन्तु उक्त दृष्टान्त में 1960, 1958 और 1959 के माननीय उच्चतम न्यायालय के दृष्टान्तों का उल्लेख किया गया है। जबकि 11-ए में 1971 में संशोधन हुआ है। अतः उससे पूर्व के न्यायिक दृष्टान्त मेरी विनम्र राय में नियोजक की उल्लेखनीय सहायता नहीं करते किन्तु उक्त न्यायिक दृष्टान्त माननीय उच्चतम न्यायालय के एक अन्य दृष्टान्त का उल्लेख किया गया है जिन पर दृष्टि डालना उपयुक्त होगा। ए. आई. आर. 1973 (एस. सी.) 1227 पैरा मब संख्या -12 पृष्ठ 1233 में माननीय उच्चतम न्यायालय ने यह व्यवस्था दी है कि शास्ति की शक्ति और क्षेत्राधिकार नियोजक का है और वह उचित है या नहीं यह देखना न्यायधिकरण का काम नहीं है सिवाय उन विरले मामलों को छोड़कर जहां शास्ति अनुपात से इतनी असम्बद्ध हो कि वह अनफेयर लेबर प्रेक्टिस या विक्टिमाइजेशन इंगित करे। यह सही है कि श्रम न्यायालय विभागीय जांच के निष्कर्ष के सम्बन्ध में अपीलेंट न्यायालय की तरह कार्य नहीं करता और उसका दायरा माननीय उच्चतम न्यायालय द्वारा दिये गये दिशा निर्देशों से बंधा हुआ है।

गिरीराज प्रसाद वाले मामले में 1971 के पूर्व के माननीय उच्चतम न्यायालय के दृष्टान्त का विवेचन किया गया है और उसमें भी ए. आई. आर. 1973 (एस. सी.) पेज-1227 का उल्लेख किया गया है। माननीय राज. उच्च न्यायालय ने माननीय उच्चतम न्यायालय के निर्णय के संदर्भ

में यह कहा है कि औद्योगिक न्यायाधिकरण की धारा 11-ए उचित शक्ति प्रदान करते हैं कि वह स्वयं को संतुष्ट करने के लिए कि दुराचरण की स्थिति सिद्ध होती है या नहीं या उसके आधार पर दी गई शास्ति उचित है या नहीं, साक्ष्य की गहराई में जा सकती है। दूसरे शब्दों में वह जांच के निष्कर्ष को न्यायाधिकरण री-अप्रेशिएट (re-appreciate) कर सकता है।

11. यद्यपि इस न्यायाधिकरण ने पूर्व में प्रार्थी के विरुद्ध नियोजक द्वारा कराई गई जांच को फेर दोषित किया है तथापि यहां यह दर्शना असंगत नहीं होगा कि जांच अधिकारी ने संयम, निष्पक्षता और धैर्य से जांच की कार्यवाही के दौरान नैसर्गिक न्याय के सिद्धान्तों की पालना की। प्रार्थी ने जांच में हिस्सा भी लिया और बीच-बीच में वह अनुपस्थित भी हो गया और जांच को टालता भी रहा फिर भी जांच अधिकारी ने प्रार्थी के प्रति न्याय करने की भावना का भरसक प्रयास किया। हमें अब यह देखना है कि जांच अधिकारी व अन्य अनुशासनिक अधिकारी ने जो निष्कर्ष या शास्ति दी है वह न्यायोचित है अथवा नहीं। दूसरे शब्दों में हमें यह देखना है कि प्रार्थी को दी गई शास्ति सिद्ध दुराचरण के अनुपात में है या मनमाने ढंग से दी गई है। इस संबंध में मैंने न केवल उभय पक्ष द्वारा धारा 11-ए के सम्बन्ध में दिये गये तर्कों पर गंभीरता से गौर किया किन्तु साथ ही वह जांच के दौरान दोनों पक्षों का क्या वर्जन (version) था इस पर भी गहनता से मनन किया है। प्रार्थी की अनाधिकृत अवकाश पर रहने की स्थिति अवम्बित करने वाली है। उसकी अनुपस्थिति निम्न प्रकार बताई गई है:—

कब से कब तक	दिनों की संख्या
9-4-84 से 2-1-85	269
5-2-85	1
13-2-85 से 16-2-85	4
8-3-85 से 22-3-85	15
25-3-85 से 2-4-85	10
5-4-85 से 29-7-85	116
31-7-85 से 27-9-85	59
21-10-85 से 30-10-85	10

इन अवकाशों के सम्बन्ध में जांच अधिकारी ने साक्ष्य लेखबद्ध की, प्रार्थी को बचाव का अवसर दिया गया। जांच अधिकारी ने स्वयं को साक्ष्य और हाजरी रजिस्टर से संतुष्ट किया कि प्रार्थी अत्यधिक लम्बी अवधि तक अनाधिकृत अवकाश पर रहा। जांच अधिकारी ने स्वयं को इस बारे में भी संतुष्ट किया कि नियोजक बैंक ने प्रार्थी को पत्र भेजकर ड्यूटी पर आने की हिदायतें दी। किन्तु वह नहीं आया। साक्ष्य और वस्तावेजात की स्थिति पर गौर करते हुए जांच अधिकारी ने यह निष्कर्ष निकाला कि न केवल प्रार्थी लम्बी अवधि तक अनाधिकृत रूप से अनुपस्थित रहा किन्तु उससे नियोजक बैंक के अधिकारियों के ड्यूटी ज्वॉइन करने सम्बन्धी युक्ति युक्त और कानूनी आदेशों की भी अवहेलना की।

द्वितीय आरोप जो है कि हितों पर कुप्रभाव डालने से सम्बन्धी है उसके बारे में जांच अधिकारी ने साक्ष्य और प्रलेखों का अवलोकन किया और इस निष्कर्ष पर पहुंचे कि इससे बैंक का कार्य सफर हुआ और बैंक की कार्य प्रणाली पर भी इससे विपरीत असर पड़ा व बैंक के हितों पर कुप्रभाव पड़ा। बिना अनुमति के अनुपस्थिति वास्तव जांच अधिकारी ने प्रार्थी को नियोजक द्वारा भेजे गये 27 पत्रों का उल्लेख किया है और यह निष्कर्ष निकाला कि प्रार्थी आवतन अनुपस्थित रहता है और प्रार्थी ने अपनी अनुपस्थिति के बारे में न तो कोई संतोषजनक समाधान किया न दरखास्त पेश की और पत्रों के बावजूद भी उसने ड्यूटी ज्वॉइन नहीं की। अनुशासनिक अधिकारी ने एवं अपीलीय अधिकारी ने मामले पर गौर करते हुए प्रार्थी की सेवा मुक्ति उचित पाई। प्रार्थी ने अपील में मुख्य रूप से यह दर्शाया कि उसके विरुद्ध एक ही आरोप लग सकता है। बिना अवकाश के अनुपस्थिति बावत और वह उसके अनुसार लक्ष्यवांस्त है और अवकाश केवल शारीरिक दृष्टि से कार्य स्थल पर उपस्थिति होने से ही होती है। प्रार्थी का यह कथन स्वीकार किये जाने योग्य नहीं है कि आदेश की अवहेलना केवल शारीरिक दृष्टि से मौजूब होने पर ही हो सकती है। लिखित आदेशों की यदि कोई पालना नहीं करता है तब भी अवहेलना हो सकती है। प्रार्थी के इस कथन में कुछ शक्ति दिखाई देती है कि मुख्य आरोप उसकी अनुपस्थिति से सम्बंधित है और अन्य दो आरोप केवल उसके परिणाम मात्र हैं।

12. जैसा कि माननीय राज. उच्च न्यायालय ने डी सी एम के मामले में अभिमत व्यक्त किया है कि बिना अनुमति के अनुपस्थित रहने से कार्य सफरहोने की संभावना बन जाती है और इस मामले में साक्ष्य प्रलेखों से भी यह स्थिति सामने आई है कि प्रार्थी के अक्षम्य अत्यधिक लम्बी अवधि के लिए अनुपस्थिति से बैंक के सुचारु कार्य में विपरीत असर पड़ा और स्टाफ की कमी से भी कटिनाई हुई। अतः यह नहीं कहा जा सकता कि इस सम्बन्धी आरोप निराधार हैं।

13. यह प्रार्थी के स्वयं का दावित्व है कि वह अवकाश स्वीकृत कराने के बाद कार्य से अनुपस्थित रहता। उसके बजाये जब उसे नियोजक के अधिकारियों ने जरिये डाक कार्य पर आने की हिदायतें दीं तब उनकी भी उसने उपेक्षा की। मेरी राय में बैंक अधिकारियों की ऐसी हिदायतें विधिसम्मत और युक्ति युक्त थीं। प्रार्थी ने उसे भेजे गये पत्रों को लेने में टालमटोल की, कुछ अनक्लेम्ड होने से लौटे, कुछ इनकारी से तथा कुछ इस पृष्ठांकन के साथ कि प्रार्थी पत्र लेने से छिपता है और अन्तर पोस्टल सर्विफिकेट उसे सही पते पर पत्र भेजें, जो वापस नहीं लौटे जो यह संभावना प्रकट करते हैं कि उसे प्राप्त हो गये। धारा 11-ए के परन्तुक में यह उल्लेखित किया गया है कि औद्योगिक न्यायाधिकरण इस धारा के तहत प्रोसिडिंग्स में केवल रिकार्ड पर उपलब्ध सामग्री पर ही अवलंबित रह सकता है और मामले में अन्य कोई साक्ष्य नहीं लेगा फिर भी प्रार्थी

जो दस्तावेज उसे जांच की फ़ायरनैस के प्रश्न पर विचारण के समय पेश करने चाहिए थे वो उस समय पेश नहीं किये और उस पर निर्णय के बाद में पेश किये ।

14. सामान्यतया न्यायाधिकरण को अनुशासनिक अधिकारी द्वारा दी गई शास्ति में हस्तक्षेप नहीं करना चाहिए यदि वह उचित और न्यायसंगत हो । इस सम्बन्ध में डी. सी. एम. वाले मामले में माननीय राज. उच्च न्यायालय ने जो कठोर दृष्टिकोण अपनाया है उसका कारण यह रहा कि वह है कि उस मामले में श्रम न्यायालय ने इस बात पर गौर नहीं किया था कि श्रमिक की अनुपस्थिति के मामले में पूर्व में तीन बार शास्ति दी जा चुकी थी किन्तु विचारणीय मामले में पूर्व में शास्ति दी गई हो, यह बहस नहीं की गई है और न मेरे सामने इस कथन को प्रकट किया गया है । इससे ऐसा लगता है कि पूर्व दुराचरण के मामले में नियोजक ने श्रमिक के प्रति अधिक उदारता का दृष्टिकोण अपनाया ।

15. श्री राम यादव वाले मामले में माननीय राज. उच्च न्यायालय ने गत वर्ष जो निर्णय दिया है वह मार्गदर्शक सितारे की भांति है । 19-4-80 को नियुक्त किये गये इस श्रमिक को लम्बी अनाधिकृत अनुपस्थिति के मुख्य आधार पर उससे जुड़े हुए पहलुओं को दृष्टिगत रखते हुए सेवा से हटाये जाने जैसे मृत्यु वण्ड देना मेरी राय में दुराचरण के अनुपात में नहीं है और उसे न्यायोचित की संज्ञा भी नहीं दी जा सकती है । न्यायालय के इस प्रेषण से यह अभिप्राय बिल्कुल नहीं है कि वह श्रमिक इस घोर लापरवाही को अनुमोदित करता है या उसे क्षमा करता है । अनुशासनिक अधिकारियों को श्री राम यादव वाले मामले में मुद्दाविक बिन्दुओं पर गौर करना चाहिए । उन पर गौर हुआ है ऐसा प्रकट नहीं होता । पत्रावली के अवलोकन से ऐसा प्रकट होता है कि श्रमिक की पत्नी अजमेर में अन्य बैंक में कार्यरत है और उसने बार-बार अजमेर स्थानान्तरित करने के लिए अनुरोध किया किन्तु ऐसा संभव नहीं हो पाया इस कारण तथा उसे बृद्ध पिता की बिमारी के कारण वह परेशान रहता था । मेरी दृष्टि में माननीय दृष्टिकोण अपनाते हुए इन परिस्थितियों पर भी नियोजक को विचार करना चाहिए था ।

16. पत्रावली के अवलोकन से प्रकट होता है कि नियोजक से सम्भावना दृष्टि से श्रमिक को समझने के माध्यम से पुनः सेवा में लेने की इस विवादित मामले में पेशकश की भी थी । इससे ऐसा प्रकट होता है कि नियोजक स्वयं भी उदार दृष्टिकोण अपनाने के लिए प्रवृत्त (Inclined) हो गया था । यह दुर्भाग्यपूर्ण है कि श्रमिक ने उस संभावना के प्रयास को अस्वीकार कर दिया ।

17. उक्त समस्त तथ्यों और परिस्थितियों पर गहनता से मनन करने के पश्चात् हम निष्कर्ष पर पहुँचाते हैं कि श्रमिक को उसके दुराचरण के लिए सेवा से पृथक् किये जाने का आदेश न्यायोचित नहीं था । अतः प्रेषित विवाद का आदेश अधिनिर्णय इस प्रकार किया जाता है :

“पंजाब एण्ड सिन्ध बैंक के प्रबंध का श्रमिक गोपाल कृष्ण खन्ता कर्क-कम-कैशियर को दिनांक 30-4-90 से सेवा से डिमिस करने का कृत्य वैध एवं न्यायोचित नहीं है । और परिणामस्वरूप सम्बन्ध तथ्यों एवं परिस्थितियों पर गौर करते हुए यह आदेशित किया जाता है कि दिनांक 30-4-90 से प्रार्थी को डिमिस की शास्ति के बजाय उस तारीख से संचयी प्रभाव से चार वार्षिक वेतन वृद्धियाँ रोकने की शास्ति पदस्थापित की जाती है और प्रार्थी के जिस अवधि में कार्य नहीं किया उसका कोई वेतन लाभ उसे नहीं मिलेगा । 1994 (स-ली) (1) एस.सी.सी. पेज-563 आर.एच.आर.टी. सी. बनाम भयों मल एवं अन्य में दिये गये दृष्टान्त को दृष्टिगत रखते हुए प्रार्थी को पूर्व वेतन का परिलाभ नहीं मिलेगा किन्तु उसकी सेवा में निरन्तरता कायम मानी जायेगी । एवार्ड की प्रति केन्द्र सरकार को नियमानुसार प्रकाशनार्थ प्रेषित हो ।

31-7-96 हरि सिंह यू. अस्तानी, न्यायाधीश

नई दिल्ली, 20 अगस्त, 1996

का.आ. 2630:—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान कमर्शियल बैंक (पी.एन.बी.) के प्रबन्धतंत्र के संघ नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 19-8-96 को प्राप्त हुआ था ।

[संख्या एल-12012/45/86/डी जे व्हाई.आर.बी.2]  
पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 20th August, 1996

S.O. 2630.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Hindustan Commercial Bank and their workmen, which was received by the Central Government on 19-8-96.

[No. L-12012/45/86-DIVA/IR(B-11)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 50 of 1987

In the matter of dispute :

BETWEEN

Sri Sunil Kumar C/o V. N. Sekhari,  
26/104, Birhana Road, Kanpur.

AND

Manager Hindustan Commercial Bank Limited (Now  
Punjab National Bank), Central Office, Salvodaya  
Nagar, Kanpur.

APPEARANCES :

None for the management,



V. P. Srivastava for the workman.

### AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-12012/45/86-D.IV(A), dated 1-5-87, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Hindustan Commercial Bank Limited, (Now taken over by the Punjab National Bank) in terminating the services of Sri Sunil Kumar Bajpai, ex-peon of Unnao Branch w.e.f. 1-4-82 is legal and justified? If not, to what relief is the workman concerned entitled?

2. The concerned workman Sunil Kumar was engaged as a peon in the Unnao Branch of erstwhile Hindustan Commercial Bank Ltd. He worked for 90 days in each year during 1980 to 82 on permanent post. He was not given employment w.e.f. 1-4-82. It is alleged that he was doing work of permanent nature on a permanent post. His services have been illegally brought to an end. As juniors to him have been retained in service and thereby provisions of section 25G I.D. Act has been violated. It may be mentioned that this bank was later on amalgamated in Punjab National Bank who is now responsible for all assets and responsibilities of erstwhile bank.

3. The opposite party has filed reply denying the case of the concerned workman. However its details need not to be given as after exchange of pleadings the management failed to put in appearance and the evidence of concerned workman Sunil Kumar was recorded ex-parte.

4. In his evidence he has stated that when his services were terminated Ramesh Sahu was retained in service who was junior to him. As his evidence is uncross-examined I accept it. In this way it is held that when the services of concerned workman were brought to an end Ramesh Sahu who was junior to him was retained in service. In this way there has been breach of section 25G of I.D. Act. Accordingly my award is that termination of services of the concerned workman is bad in law and the action of the management in this regard was not justified. Hence he is entitled for reinstatement. However, he shall not be entitled for back wages as records reveals that he was solely responsible for delay in the disposal of the case.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 20 अगस्त, 1996

कां० 2631.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोल्लम के पंचपट को प्रकाशित करना है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[संख्या एल-12012/224/94/आई.आर.बी 2]  
पी. जे. माईकल, डेस्क अधिकारी

Now Delhi, the 20th August, 1996

S.O. 2631.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vijaya Bank and their workmen, which was received by the Central Government on the

[No. L-12012/224/94-IR(B-II)]  
P. J. MICHAEL, Desk Officer

### ANNEXURE

### IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 6th day of May, 1996)

**PRESENT :**

SRI C. N. SASIDHARAN, Industrial Tribunal

**IN**

**INDUSTRIAL DISPUTE NO. 22/94**

**BETWEEN**

The Chairman & Managing Director, Vijaya Bank, H.O 41/2, M. G. Road, Bangalore-560 001.

(By Sri N. C. Pillai, Senior Manager, Vijaya Bank, Regional office, Trivandrum).

**AND**

The Secretary, Vijaya Bank Employees Association, Trivandrum Regional Office, XL/6465/T. D Road, Pinakulam-682 035.

### AWARD

This industrial dispute has been referred for adjudication to this Tribunal by the Government of India as per Order No. L-12012/224/94-IR(B-II) dated 15-11-1994.

The issue for adjudication is the following :

"Whether the action of the management of Vijaya Bank, Bangalore in imposing the punishment of stoppage of two increments permanently on Sri. D. G. Nair, Clerk is legal and justified? If not, what relief is the said workman entitled to?"

2. The union espousing the cause of the workman in this case Sri D. G. Nair has filed a detailed claim statement and the contentions are briefly as under : The workman was charge-sheeted as per charge memo dated 2-2-1991 as below—

"Your action of presenting in the clearing on 1-6-1990 the cheque No 484240 dated 1-6-1990 for Rs. 1,30,000/- favouring Sri. Anil Kumar P. without the authorisation of the branch official's thereby facilitating the perpetration of the attempted fraud by Sri. T. S. Ashok Kumar clerk in connivance with Sri. Anil Kumar P. on Bank of Baroda, Thiruvalla branch are acts prejudicial to the interest of the Bank which constitutes gross misconduct under sub-clause (i) of the clause 19.5 of chapter XIX of the Bi-partite settlement, 1966."

The charge has been framed on the basis of investigation report submitted by Sri S. R. Pal. Subsequently an enquiry was conducted and the enquiry officer reported that the workman had no knowledge of perpetration of the attempted fraud. But the enquiry officer held that the charge is partly proved. The disciplinary authority awarded the punishment of stoppage of two increments permanently which was upheld by the appellate authority. The appellate authority disagreed with the findings of the enquiry officer and the appeal was disposed without application of mind. The appellate authority failed to notice that the enquiry proceedings do not in any way suggest that the workman had any particular intention in presenting the cheque in clearing, nor to speak of his connivance. Though it was not established in the enquiry that the workman connived with the other charge-sheeted employees, the appellate authority unilaterally held that the workman connived with and facilitated the attempted fraud on Bank of Baroda. In the enquiry it has been established that the allegations to the workman stating he was sitting away from clearing counter to conceal his involvement/connivance and he was fully aware of the movement of the cheques are baseless and not based on evidence. Neither the branch manager nor the officer of the branch were in the habit of verifying and checking each and every entry in the register or the clearing schedule along with the instrument/credit vouchers. This prevailing practice in the branch has resulted in the present finding against the innocent workman.

The findings of the enquiry is not based on the merits and facts of the enquiry. The management besides awarding the punishment of stoppage of two increments has issued transfer order to a remote branch for away even though vacancy existed in nearby

branches amounting to double punishment. Accounts to the union the present punishment is liable to be set aside.

3. The contentions of management are briefly as under : The reference is not maintainable either in law or on facts. The management has held a valid and proper domestic enquiry strictly following the provisions contained in the Bipartite settlement and adhering to the principles of natural justice, equity and good conscience. The workman was provided sufficient opportunity to adduce evidence and he was allowed to be represented by trade union leader. It was reported that the workman in connivance and in collusion with two other clerks working with him had attempted to defraud the Bank of Baroda, Thiruvalla branch to the tune of Rs. 1,30,000/-. The workman was placed under suspension and after charge-sheeting him an enquiry was conducted. Sri. Anil Kumar employed as clerk at the clearing counter of the Bank on 15-6-1989 had come into possession of a blank cheque leaf of the Bank of Baroda issued to Sri Radhakrishnan holder of a Savings Bank Account in that Bank. The aforesaid Sri Radhakrishnan visited the Thiruvalla branch of the management for depositing the cheque. Instead of returning the said blank cheque to Sri Radhakrishnan or handing over the same to the branch manager, Sri Anil Kumar had unauthorisedly and illegally retained the cheque and passed it on to another clerk of the same branch Sri T. S. Ashok Kumar. Sri T. S. Ashok Kumar had filled in the cheque leaf for Rs. 1,30,000/- besides the name of Sri Anil Kumar as payee and also forging signature. Thereafter the cheque was sent by Sri Ashok Kumar to Sri Anil Kumar through Sri John Varghese, JND collector for preparing the pay in slip for crediting the proceeds of the same to the Savings Bank Account maintained by Sri Anil Kumar at the Thiruvalla branch of the management Bank. The forged cheque was later sent by Sri Anil Kumar to the clearing section. The workman deliberately avoided handing over the credit slip to the officer in charge as required under the banking practice and had presented the cheque in question without prior permission of the branch officials. He actively connived, abetted, colluded and also assisted the other two staff members to present the said cheque at the clearing which was later returned unpaid by the payee Bank with memo "reported lost, signature forged." The conduct of the workman tantamounts to gross misconduct as per the provisions of the Bi-partite settlement. He was found guilty in a properly conducted domestic enquiry. The disciplinary authority accented the findings of the enquiry officer and imposed the present punishment after affording opportunity to make representation if any. The punishment was imposed after considering the representation and the appellate authority after careful consideration held that the charge is proved. The appellate authority considered the entire aspects and after application of mind dismissed the appeal. The disciplinary authority imposed a lesser punishment though the misconducts committed by the workman are very grave and serious in nature warranting more stringent and deterrent punishment. The management denies all other allegations of the union stated in the claim statement. According to the management the workman is not entitled to any relief.

4. The union has filed a rejoinder disputing the contentions advanced by the management and reaffirming the case pleaded by the union.

5. No evidence has been let in by either side. However the enquiry proceedings, enquiry report, statement of witness, findings of the enquiry officer, order of the appellate authority and all connected papers have been marked as Ext. M1-series on mutual consent.

6. The punishment in question was imposed on the basis of the enquiry report dated 2-2-1991. There is no serious attack against the enquiry. In paragraph 13 of the Claim statement of the union it is stated that the findings of the enquiry is not based on the merits and facts of the enquiry. It is also stated that the management has not examined the prime witness Sri. Radhakrishnan whose cheque was allegedly forged. There is no allegation of violation of the principles of natural justice, bias or perversity in the findings of the enquiry officer. It is evident from the enquiry file that the workman fully participated in the enquiry, he was represented by a trade union leader. All the management witnesses were fully cross-examined on behalf of the workman and his representative has submitted argument note. Evidence was af-

duced on behalf of the workman in the enquiry though opportunity was afforded for that purpose. It is thus clear that the enquiry was conducted fully in compliance with the principles of natural justice.

7. Now regarding the contention that the findings of the enquiry is not based on the merits and facts of the enquiry I may state that it is only a vague statement. The enquiry officer has found the workman guilty of a portion of the charge that he had presented the cheque No. 481240 dated 1-6-1990 for Rs. 1,30,000/- in the clearing on 1-6-1990 favouring Sri P. Anil Kumar without the authorisation of the branch officials. It was admitted by the workman before the Investigating officer and spoken to by the management witnesses in the enquiry. The enquiry officer fully analysed the oral as well as documentary evidence and came to the conclusion. There are no reasons to accept the present contention that the findings of the enquiry is not based on the merits. On the other hand the findings of the enquiry with regard to the first portion of the charge is fully supported by legal evidence. In these circumstances I am not persuaded to accept the present contention regarding the findings of the enquiry.

8. According to the union the management could not produce the prime witness Sri Radhakrishnan whose cheque was allegedly forged and that was not mentioned in the enquiry report. As stated earlier the workman has admittedly sent the cheque for collection and the finding of the enquiry officer regarding the first part of the charge is based on legal evidence. The non-examination of the aforesaid Sri Radhakrishnan is not material considering the legal evidence on the basis of which the enquiry officer entered his finding. Therefore this contention of the union is without force.

9. The disciplinary authority has issued the copy of report to the workman and afforded opportunity for representing against the proposed punishment. The workman had submitted his representation and disciplinary authority after considering the findings of the enquiry officer and the representation of the workman had imposed the present punishment. Considering the fact that the workman is employed in a Bank where financial transactions are going on and the gravity of the misconduct committed by him as held by the enquiry officer, the present punishment cannot be stated as excessive. It is true that no financial loss was occurred due to the misconduct of the workman. But that was because of the vigilant action of the Bank of Baroda. Further loss is not the material point here. The management is a financial institution and that must be the prime consideration while considering the justifiability of the punishment. There are no extenuating circumstances to interfere with the punishment in question and this Tribunal has no jurisdiction also to do so under section 11-A of the Industrial Disputes Act, 1947 (the Act for short). The punishment imposed is fully justified and legal.

10. The learned representative who appeared on behalf of the union before this Tribunal has vehemently argued that the enquiry officer failed to note the procedure followed in the Thiruvalla branch regarding authentication of cheques, vouchers and connected registers which resulted in the charge-sheeting of the workman who is innocent. The workman had admitted that he has presented the cheque without the knowledge of Manager/ Asst. Manager and without their authentication. It is pertinent to note that two others cheques presented for collection on that day were handed over to the clearing section where the workman was incharge, by the branch manager and the cheque in question was never seen by the branch manager/Asst. branch manager. Further it is not at all established in the enquiry or before this Tribunal regarding the alleged procedure followed in the Thiruvalla branch contrary to the direction of the Head Office of the management as contended by the union. Therefore this contention is only to be rejected.

11. The next argument advanced on behalf of the union is that the appellate authority found the workman guilty of the entire charge as against the findings of the enquiry officer that the charge was only partly proved. No doubt the appellate authority after considering the points raised by the workman in the appeal came to the conclusion that the workman was guilty of the entire charge levelled against him. The findings of the appellate authority are based on the evidence and other circumstances recorded by the enquiry officer. However the punishment imposed by the disciplinary authority on

the findings of the enquiry officer was not enhanced. Therefore the findings of the appellate authority has not in any way affected the workman. So it is not necessary to consider the legality or otherwise of the conclusions reached by the appellate authority at this stage.

12. This is a case where the workman was found partially guilty of the charge levelled against him by the enquiry officer. I have already found that the enquiry was properly conducted and the findings of the enquiry officer are supported by legal evidence. The punishment imposed is stoppage of two increments permanently on the findings of the enquiry officer. That being the case no interference is called for from this Tribunal under Sec. 11-A of the Act particularly on the ground that it is not a case of discharge or dismissal.

13. On behalf of the union it was further argued that the management in addition to the punishment of stoppage of two increments has transferred the workman to a remote branch though there were vacancies in nearby branches and this amounts to double punishment. According to the union it is illegal and unjustified. The learned representative appearing on behalf of management has pointed out that at the time of revoking the suspension the vacancy was available only in the branch where the workman was posted. It is not established otherwise by the union. Further transfer is the prerogative of the management and in the absence of any evidence regarding existence of vacancy in nearby branches I am not persuaded to hold that the action of management is unjustified and that it amounted to double punishment.

14. The learned representative of the union has brought to the notice of this Tribunal a decision of the Supreme Court Bhagat Ram V. State of Himachal Pradesh and others (1983 2 L.J. 1) in support of the argument that this Tribunal has jurisdiction to interfere with the punishment in question. In the aforementioned decision the court has considered among other questions the jurisdiction of the High Court in disciplinary matters and held in paragraph 10 that where the findings of the disciplinary authority is utterly perverse the court can always interfere with the same. In the case before me there is no perversity in the findings of the disciplinary authority based on the enquiry report. Further the punishment imposed is barring of two increments only. Therefore there cannot be any justification for interference from this Tribunal and the decision of the apex court, according to me, has no application here.

15. In view of the above I hold that the action of the management of Vijaya Bank, Bangalore in imposing the punishment of stoppage of two increments permanently on Sri D. G. Nair, Clerk is legal and justified and hence the workman is not entitled to any relief.

An award is passed accordingly.

C. N. SASIDHARAN, Industrial Tribunal

#### APPENDIX

Ext. M-I-series—File containing, chargesheet, reply statement, proceedings of the enquiry, findings of the enquiry officer, statement of witnesses and connected documents, order of disciplinary authority, Appeal filed by the workman and order of the appellate authority.

नई दिल्ली, 20 अगस्त, 1996

का.आ. 2632.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धन के संबंध में निदेशों और उनके कार्यों के बीच, अनुसूची में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित

करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[संख्या एन-12012/400/91/आई.आर.बी.2]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 20th August, 1996

S.O. 2632.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 19-8-1996.

[No. L-12012/400/91-IR(B-II)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 63 of 1992

In the matter of dispute :

BETWEEN

Uma Shankar Gupta,  
112/178, Swarup Nagar,  
Kanpur.

AND

Regional Manager, Punjab National Bank,  
Mall Road, Kanpur.

APPEARANCE :

J. C. Dhawan—for the Workman.

S. K. Kapoor—for the Management.

#### AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-12012/400/91-IR-B.II dated 27th March, 1992, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Punjab National Bank in terminating the services of Sri Uma Shankar Gupta, w.e.f. 5th May, 1986 is justified? If not to what relief is the workman entitled to?

2. The case of the concerned workman Umashanker Gupta is that he was appointed as peon in the Arya Nagar Branch of the erstwhile Hindustan Commercial Bank in February, 1983. In the year 1983 he had worked for 271 days whereas in 1984 he had worked for 255 days. Thereafter his services were terminated in September, 1984. He made representation on 10th October, 1984, which was accepted and his name was included in the penal. He was informed on 18th December, 1984 in this regard. He was again allowed to join at Arya Nagar Branch w.e.f. 15th March, 1985, where he worked upto 4th May, 1986. His services were once again terminated w.e.f. 5th May, 1986. Subsequently this bank was amalgamated with the opposite party Punjab National Bank on 18th December, 1986. The case of the concerned workman is that as he had worked on a permanent post and had done work of permanent nature from 15th March, 1985 to 4th May 1986 there has been breach of Sections 25-G and H of I.D. Act, para 493 Shastri Award and para 20.7 and 20.8 of first bipartite settlement.

3. The management has filed reply in which it is alleged that there has been gross delay in making reference. The record of the concerned workman are not available. However, it is denied that the concerned workman had ever made any representation on 10th October, 1984 or that his name was brought into the penal in 1985 in respect of which any letter would have been issued on 18th December, 1984. In fact the concerned workman did not work w.e.f. 15th March, 1985 at all.

4. In the rejoinder the facts alleged earlier have been reiterated, whereas new facts alleged in the written statement have been denied.

5. In support of his case the concerned workman has filed his affidavit on 2nd April, 1993. He was further cross-examined. In rebuttal Umesh Kumar Saxena, Manager and one Anil Kumar Nigam have been examined. The concerned workman had asked for petty cash register which could not be filed as the same was not available.

6. The first point which needs determination as to whether any panel was prepared at all on 18th December, 1984. In this regard the concerned workman has given his evidence and has also proved the copy of letter dated 18th December, 1984. In his cross-examination he has admitted that its original is not with him. On the other hand Umesh Kumar Saxena, Manager has stated that after going through the record in office he did not find any panel dated 18th December, 1984. In fact no such panel was prepared. As the matter has become quite old and erstwhile bank has become defunct, the relevant papers would not be available. It cannot be said that the management has purposely withheld them. Further to me this letter appears to be fishy as its original could not be produced in court. Further had this letter been in existence, the concerned workman could not have been kept quite for such a length of time. In view of these factors, I come to the conclusion that in fact no panel was prepared on 18th December, 1984.

7. When no panel was prepared, I am not inclined to accept the statement of the concerned workman that he had worked from 15th March, 1985 to 4th May, 1986 at all as the very basis of which his stand exists has not been accepted. It was alleged that had petty cash register been filed the concerned workman would have been able to prove it. It has already been explained that because of gross delay it is quite understandable that this paper would have become untraceable. Hence, no adverse inference can be drawn. Accordingly, I come to the conclusion that the concerned workman had not worked at all for the period on the basis of which assistance of Section 25-G and 25-H of I.D. Act, para 493 of Shastri Award and paras 20.7 and 20.8 of First Bipartite Settlement, question of breach of these provisions does not arise at all. I also do not find that opposite party bank had indulged in any unfair labour practice. Even if the concerned would have been able to prove his case he would not have been entitled for the relief of reinstatement because of gross unexplained delay in raising the present dispute as has been held in the case of Balwant Singh versus P.O. Labour Court Bhatinda 1996 Lab IC 45 (Punjab).

8. In the end my award is that the concerned workman was not in the service of the opposite party till 4th May, 1986, hence question of his termination does not arise. As such question of its justification also does not arise. The concerned workman is not held entitled for any relief. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 20 अगस्त, 1996

का.आ. 2633.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्. बैंक आफ इंडिया के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[संख्या एल-12012/270/93-आई.आर. (बी. 2)]  
पी.जे. माईकल, डैस्क अधिकारी

New Delhi, the 20th August, 1996

S.O. 2633.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New Bank of India (PNB) and their workmen, which was received by the Central Government on 19th August, 1996.

[No. L-12012/270/93-IR (B-II)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PAIDU NAGAR, KANPUR

Industrial Dispute No. 16 of 1994

In the matter of dispute between :—

Kamlesh Chaturvedi,  
General Secretary,  
New Bank of India Staff Union U.P.,  
128/F/75, Kidwai Nagar, Kanpur.

AND

Regional Manager,  
New Bank of India (Punjab National Bank),  
94, M. G. Marg, Lucknow.

#### AWARD

1. The Central Government Ministry of Labour, New Delhi has referred the following dispute vide its Notification No. L-12012/270/93 dated 24th February, 1994 for adjudication to this Tribunal :—

Whether the action of the management erstwhile New Bank of India (now Punjab National Bank), Lucknow in terminating the services of Shri Ashok Kumar, Sub-Staff with effect from 14th January, 1991 is justified? If not, what relief, is the workman entitled to?

2. In the instant case on 30th July, 1996 parties have filed settlement alongwith application dated 27th July, 1996 with the prayer that reference be decided in terms of settlement. The terms of settlement is as under :—

1. That Bank agrees to appoint Shri Ashok Kumar as a fresh employees in the subordinate cadre as peon at the initial stage of the pay scale applicable to the subordinate staff of the Bank.
2. That Shri Ashok Kumar will be on probation as per Bank's rules.
3. That Bank will undertake the process of appointment of Sh. Ashok Kumar as peon subject to his eligibility as per the bank's rules for appointments in subordinate cadre after verification of his antecedents and subject to the same being found satisfactory.
4. That the services of Shri Ashok Kumar will be utilised at a point of need in any of the offices of the bank in Agra Region.
5. That Sh. Ashok Kumar agrees that he will not claim any benefit, monetary or otherwise, for the past period/services rendered by him except for the monetary benefits already received by him.
6. That Shri Ashok Kumar agrees that this is in full and final settlement of the all the claims arising out of the present dispute.

7. That this understanding is arrived at in view of the peculiar facts and circumstances of the case and it will be quoted as a precedent.

3. In view of the above the reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 20 अगस्त, 1996

का.आ. 2634.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबन्धन के संबंध में निम्नलिखित शर्तों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ।

[संख्या एल-12012/73/87-डी II ए/आई.आर.(बी. 2)]

पी.जे. माईकल, हेल्थ अधिकारी

New Delhi, the 20th August, 1996

S.O. 2634.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government.

[No. L-12012/73/87-D.II.A/IR(B 10)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 165 of 1987

In the matter of dispute between :

Sri Data Ram C/o Brijendra Singh,  
State Vice President U.P. Bank Employees Union,  
1/581 Housing Society Colony Behind Singhal Ice  
Factory, Surendra Nagar, Aligarh.

AND

The Dy. General Manager, Bank of Baroda,  
Zonal Office, 19, Way Road, Lucknow.

APPEARANCE :

Neeta Mathur—for the workman.

V. K. Gupta—for the management.

#### AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-12012/73/87-D.II(AP) dated 16th November, 1987, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Bank of Baroda in paying Sri Data Ram less wages than he was eligible in terms of the conditions of service applicable to sub-staff and denying other benefits from 28th July, 1983 to 31st December, 1983 is justified? If not, to what relief the workman is entitled?

AND

Whether the action of the management of the Bank of Baroda in terminating the services of Sri Data Ram w.e.f. 1st January, 1984 is justified? If not, to what relief he is entitled to?

2. From a perusal of reference it will be evident that it comprises of two parts. The first part relates to payment of less wages between 28th July, 1983 to 31st December, 1983, while the second part relates to termination of service of the concerned workman Data Ram.

3. There is no pleading and proof in respect of first part of reference. Hence this part is to be answered against the concerned workman, for want of pleading and proof.

4. As regards second part of the reference the case of the concerned workman is that he was appointed as a peon on 28th July, 1983 against a clear vacancy at Muradpur Branch of the opposite party-Bank of Baroda. He continued there upto 31st December, 1983 for 157 days. Thereafter, his services were illegally terminated in breach of section 25G and 25H of I.D. Act. The opposite party has filed reply in which it is alleged that the concerned workman was engaged to leave vacancy and not on a permanent post. It is denied that provisions of section 25G and 25H of I.D. Act have been breached.

5. It is admitted case of the parties that the concerned workman has worked between 28th July, 1983 to 31st December, 1983 for 157 days. As he had not completed 240 days in a year obviously provisions of section 25F of I.D. Act would not apply.

6. As regards applicability of Section 25-G, it is necessary that workman should give the names of persons who had juniors to him and were retained in service. There is neither any pleading nor any proof in this regard. In other words the names of junior who would have been retained has not been given. Hence, this point is decided against the concerned workman for want of pleading and proof. As regards applicability of section 25H once again the concerned workman has not given the name of persons who have been employed subsequently. Any how for the first time the concerned workman Data Ram has stated in the evidence that Uma Shanker and Ramesh were engaged subsequently but he was not given opportunity. As this evidence is beyond the pleadings it should not be read in evidence. Apart from this places where these workmen are working have not been given. In its absence the management will not be in position to rebut as to these persons have actually been engaged or not. In that case, the management would have filed documents as to how they were engaged in service. May be they might have been engaged after holding test. In that case the concerned workman would have no case.

7. Thus this point is also decided against the concerned workman after discarding his evidence. In the end we find that both the grounds on which termination is challenged have been repelled.

8. Thus both the parts of the reference are answered against the concerned workman and it is held that the concerned workman is not entitled for any relief.

9. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 20 अगस्त, 1996

का.आ. 2635.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. आफ बड़ोदा के प्रबन्धन के संबंध में निम्नलिखित शर्तों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[संख्या एल-12012/17/87/डी IV ए/आई.आर.(बी. 2)]

पी.जे. माईकल, हेल्थ अधिकारी

New Delhi, the 20th August, 1996

S.O. 2635.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of L.I.C. of India and their workmen which was received by the Central Government.

[No. L-17012/17/87-D.I.A./IR(B-1)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 159 of 1987

In the matter of dispute between:

Shri Hira Lal Srivastava,  
S/o Late Shri Sanketha Prasad,  
C/o K. N. Soni, 118/78, Kaushalpuui,  
Kanpur.

AND

The Senior Divisional Manager,  
L.I.C. of India,  
Divisional Office,  
Gauriganj,  
Varanasi.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-17012/17/87-D.IV(A) dated 28th October, 1987, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of L.I.C. of India in dismissing from services Smt Hira Lal Srivastava w.e.f. 28th June, 1980 is justified? If not, to what relief the workman concerned is entitled?”

2. The concerned workman Hira Lal was admittedly appointed as Assistant with the opposite party LIC of India at Varanasi Division on 19th March, 1957. He was promoted as Section head in 1962. On 29th April, 1977, he was placed under suspension while he was served with a chargesheet on 19th January, 1978 on four counts, the copy of which is annexure I of this order. One officer L. P. Chaudhary was appointed as Enquiry Officer (hereinafter referred to as E.O. in short). Before him the management examined 7 witnesses besides documents were also relied upon. The delinquent did not adduce any evidence. After completing proceeding, the E.O. submitted his report on 18th October, 1979 (Ext. 8) by which it was held that charges 1 to 3 were proved whereas in respect of charge No. (4) out of 79 items came in respect of 75 items was proved. On the basis of this report, the disciplinary authority issued show cause notice on 16th April, 1980 and ultimately Ext. M-7, dismissal order was passed on 28th June, 1980 by Senior Divisional Manager. Feeling aggrieved by this order the concerned workman has raised the instant industrial dispute.

3. In the claim statement the concerned workman had challenged the fairness and the propriety of the domestic enquiry. It was further alleged that his appointing authority was Zonal Manager, whereas chargesheet was signed by Sr. Divisional Manager. Further no opportunity was given to him in defence before the enquiry. Lastly it was alleged that his dismissal order has not been passed by Zonal Manager, the same is bad in law being without jurisdiction.

4. The opposite party has filed written statement in which it was maintained that inquiry was fairly and properly held. It was alleged that according to Life Insurance Corporation of India (Staff) Regulation 1960, the appointing authority of the concerned workman was Senior Divisional Manager. Now he had got the inquiry conducted and had passed the dismissal order which is very much in order.

5. This Tribunal had framed preliminary issue regarding fairness and propriety of domestic inquiry. By finding dated 25th April, 1996, it was held that inquiry was fairly and properly held; hence the case was fixed for arguments.

6. I have heard both sides regarding applicability of dismissal order and quantum of punishment. During the course of arguments the authorised representative of the concerned workman has drawn by attention to the case of State of U.P. Versus Chandra Pal Singh 1996, 352. In this case Asstt. Agriculture Inspector Group 3 was appointed by Director of Agriculture. Subsequently by Government orders his appointing authority was made District Agriculture Officer. He got conducted domestic inquiry against Chandra Pal Singh and on the basis of this inquiry against the concerned workman dismissal order was passed by Director of Agriculture. That matter was carried before State Service Tribunal which gave judgment in favour of Chandra Pal Singh State of U.P. had preferred the writ petition and in that case it was held that initially Director of Agriculture was the appointing authority of Chandra Pal Singh. Domestic Inquiry could not be got conducted under orders of District Agriculture Officer who was subsequently appointed as appointing authority of Assistant Agriculture Inspector. In other words proceedings of such domestic inquiry were vitiated. Once again the authorised representative of the concerned workman has tried to argue this point in the instant case. Had these authorities been filed while recording finding on preliminary issue the matter would have been decided in favour of the concerned workman. Now this cannot be allowed to be agitated at this stage. It can be raised as and when the matter goes before superior court in any manner.

7. Next it was alleged that in any case dismissal order is without jurisdiction. It is evident from the appointment letter dated 5th March, 1957, that concerned workman was appointed by Zonal Manager. Ext. M 7 indicates that dismissal order was passed by P. C. Mehanati Senior Divisional Manager who is admittedly much lower in rank than Zonal Manager. It was submitted on behalf of the management that subsequently Staff Regulation 1960 come into force and Senior Divisional Manager was appointed as Appointing Authority. In view of this change in Regulation Zonal Manager did not remain his appointing authority.

8. On the other hand the authorised representative of the concerned workman has drawn my attention to para 9 of the Judgment reported in the State of U.P. versus Chandra Pal Singh 1996, 352 which goes as under—

In Krishna Kumar v. The Divisional Assistant Electrical Engineer 1979-4 SCC, 289. In this case the Supreme Court was pleased to hold that subsequent delegation of power to subordinate authority to make appointment to post in question would not confer power to remove the person appointed before such delegation.

In the above para there is reference of the case of Krishna Kumar versus Div. Electrical Engineer Lab IC 1979, 1314. I have also gone through the judgment of this case. Although this authority goes to lay down that as far as the appointing authority of the concerned workman is concerned Divisional Electrical Engineer, it will be he who originally appointed him. In the subsequent change in appointing authority or delegation of authority by the appointing authority would not change the original status of appointing authority. In the instant case it has been seen that Zonal Manager had appointed the concerned workman. Subsequently by Staff Regulation 1960 Senior Divisional Manager was appointed as appointing authority. This subsequent change would not automatically make Senior Divisional Manager appointing authority of the concerned workman. Instead Zonal Manager of the LIC of India, would continue to remain the appointing authority of the concerned workman.

10. In view of this preposition of law I overrule the contention of the authorised representative of the management and upheld the contention of the authorised representative of the concerned workman. It is accordingly held that dismissal order of the workman by Senior Divisional Manager

is without jurisdiction and honest. It could have been passed by Zonal Manager alone. The automatic result would be that the concerned workman would be deemed to be in continuous service. Hence, my award is that dismissal of the concerned workman by order dated 28th June, 1980 by Senior Divisional Manager is without jurisdiction and it is bad in law. As such the concerned workman will be entitled for reinstatement in service with full back wages at the rate at which he was drawing his pay for the last time.

11. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अगस्त, 1996

का.ग्रा. 2636.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ सौराष्ट्र के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में लेबर कोर्ट, कोची के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[सं. एन-12012/163/91-आईआर बी.आई.]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 21st August, 1996

S.O. 2636.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Kochi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Saurashtra and their workman, which was received by the Central Government on 19-8-96.

[No. L-12012/163/91-IRBI]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT LABOUR COURT ERNAKULAM

(Labour Court, Ernakulam)

(Monday, the 1st day of July, 1996)

#### PRESENT:

Shri Varghese T. Abraham, B.A., LL.M., Presiding Officer,  
Industrial Dispute No. 9 of 1991(C)

#### BETWEEN

The General Manager, State Bank of Saurashtra, Head  
Office, Neelam Bagh Chowk, Bhavanagar-364002,  
Gujarat.

#### AND

Smt. Y. Chellamma, IX/689, Pandikudy, Cochin-2,  
Kerala.

#### REPRESENTATIONS:

Sri V. B. Kamath,  
Advocate, Kochi-2. ... For Management.

Sri Mathew Zachariah,  
Advocate, M/s. Cochin Law Chambers,

Paramara Building, Kochi-18. ... For Worker.

#### AWARD

The Government of India as per order No. L-12012/163/91-IR(B-III) dated 10-9-91 referred the following industrial dispute for adjudication:

"Whether the action of the management of State Bank of Saurashtra in terminating the services of Smt. Y. Chellamma, Part-time Sweeper w.e.f. September, 1989 is justified? If not, to what relief the said Smt. Y. Chellamma is entitled to?"

2. No representation from the worker. Name of worker called. Found absent. From this it follows that the worker has no interest in pursuing the dispute.

In the result, the reference is answered holding that no industrial dispute is pending to be adjudicated.

Pronounced in open court on this the 1st day of July, 1996.

VARGHESE T. ABRAHAM, Presiding Officer

नई दिल्ली, 21 अगस्त, 1996

का.ग्रा. 2637.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[सं. एन-41012/36/89-आईआर बी.आई.]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 21st August, 1996

S.O. 2637.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Paschim Rly. and their workman, which was received by the Central Government on 19-8-1996.

[No. L-41012/36/89-IRBI]

P. J. MICHAEL, Desk Officer

#### अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज./

निर्देश प्रकरण क्रमांक : औ.न्या. (केन्द्रीय)-5/94

दिनांक स्थापित : 28-9-94।

प्रसंग : भारत सरकार, थर्म मंत्रालय, नई दिल्ली के आदेश  
संख्या एन. 41012/36/89-डी-2 (बी) दिनांक  
3-11-89

औद्योगिक विवाद अधिनियम, 1947

#### मुख्य

कल्याण सिंह द्वारा डिजिटल सेक्रेटरी, पश्चिम रेलवे  
कर्मचारी परिषद्, कोटा।

—प्रार्थी श्रमिक

#### पक्ष

डिस्ट्रिक्ट इलेक्ट्रिकल इंजीनियर, टी.एस.एस. रेलवे  
इलेक्ट्रिकलेशन, कोटा।

—प्रतिपक्षी नियोजक

#### उपस्थित

श्री आर.के. चाखान, आर.एच.जे. एस. :

प्रार्थी श्रमिक की ओर से प्रतिनिधि : श्री ए.टी. ग़ोवर  
प्रतिपक्षी नियोजक की ओर से : कोई उप नहीं

अधिनिर्णय दिनांक 2-7-96

## अधिनियम

भारत सरकार, अन्तःसंचालन, नई दिल्ली द्वारा पूर्व में निम्न निर्देश केंद्रीय सरकार, औद्योगिक व्यापारिकरण, नई दिल्ली को औद्योगिक विवाद अधिनियम, 1947 (जिसे तत्कालीन "अधिनियम" में सम्बंधित किया जायेगा) की धारा 10(1)(7) के अन्तर्गत अधिनियमार्थ सम्बंधित किया गया था जो निम्न प्रकार है :-

"Whether the action of Distt. Electrical Engineer, Traction Sub-Station, Railway Electrification, Kota in terminating the services of Shri Kalyan Singh Khalsi w.e.f. 11-11-88 is justified? If not, what relief the workman is entitled to?"

2. उक्त निर्देश प्रकरण-पत्रावली भारत सरकार, अन्तःसंचालन, नई दिल्ली के आदेश क्रमांक एन 11011/11/87-नो-11 (11) दिनांक 20-7-94 द्वारा केंद्रीय सरकार, औद्योगिक व्यापारिकरण, नई दिल्ली में स्थानान्तरित होकर प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षधारों को नोटिस जारी किये गये जिस पर दोनों पक्षों की ओर से अपनी उपस्थिति दी गयी।

3. प्रकरण में प्रस्तुत महा क्लेम स्टेटमेंट के अनुसार संक्षेप में तथा इस प्रकार है कि प्रारम्भ में प्रार्थी को 28-5-84 को मुख्य परियोजना प्रबन्धक, रेल विद्युतिकरण संस्था, मद्रास द्वारा भर्ती किया गया था तत्कालीन 16-9-85 से प्रार्थी मुख्य परियोजना प्रबन्धक, रेल विद्युतिकरण, कोटा व मवाईमाधोपुर में कार्यरत रहा। प्रार्थी को यूनियन ने प्रार्थी को अस्थायी दर्जा दिलाने बाबत एक विवाद समझौता अधिकारी एवं सहायक असायुक्त (केंद्रीय) कोटा के समक्ष 6-7-88 को प्रस्तुत किया था परन्तु प्रार्थी कर्मकार को अस्थायी दर्जा प्रदान करने के बजाय प्रतिपक्षी के कार्यालय आदेश दि. जे. आर. /आर. ई. /ई. एन. /ओ. एच. ई. दि. 20-6-88 को नोटिस जारी कर यह अंकित किया गया कि आपने नौकरी तथाकथित जाली सविन काई प्रस्तुत कर प्राप्त की है, अतः क्यों न आपकी 30 दिन के अन्दर अन्दर नौकरी समाप्त कर दो जाये। प्रार्थी ने प्रतिपक्षी के पत्र नोटिस का उत्तर 18-7-88 को दे दिया था परन्तु उसके बावजूद प्रार्थी को 11-11-88 से नौकरी से हटा दिया। प्रार्थी को प्रतिपक्षी ने नौकरी से हटाने से पूर्व कोई जांच नहीं की और न उक्त पर आरोपित आरोप प्रमाणित है। इसके अतिरिक्त प्रार्थी को अधिनियम की धारा 25-एफ की बिना पालना हिमे व न्याय के नैसर्गिक सिद्धान्तों की अवहेलना करने हुए सेवा से हटाया गया है जोकि उचित नहीं है, अतः उक्त रिश्ते सम्पूर्ण वेतन व सेवा के समस्त लाभों सहित पुनः सेवा में लिये जाने का आदेश दिया जाये।

4. प्रतिपक्षी नियोजक की ओर से जबाब प्रस्तुत किया गया है कि प्रार्थी ने जाली सविन काई प्रस्तुत कर नौकरी प्राप्त की थी इसलिए वह किसी भी लाभ को प्राप्त करने का अधिकारी नहीं है।

5. प्रार्थी श्रमिक कल्याण सिंह की ओर से साक्ष्य में स्वयं का शपथ पत्र प्रस्तुत किया गया है जिससे कोई जिरह

प्रतिपक्षी नियोजक को कोई अवसर किये जाने के बाद भी नहीं की गयी इस कारण उसकी जिरह का अवसर समाप्त किया गया। प्रतिपक्षी पक्ष की ओर से भी कोई साक्ष्य प्रस्तुत नहीं की गयी। बहस खती गयी व प्रार्थी की ओर से निम्नलिखित बड़ा ओर प्रस्तुत की गयी जमका तथा पक्षावली का ध्यानपूर्वक अवलोकन किया गया।

6. प्रार्थी की ओर से विद्वान प्रतिनिधि ने यह बहस की है कि प्रार्थी ने प्रतिपक्षी के यहां 16-9-85 से 10-11-88 तक निरन्तर कार्य किया है उसके बावजूद प्रार्थी को अस्थायी दर्जा प्रदान नहीं किया गया। प्रार्थी को वरिष्ठ विजली फोर्टिस जेम्स विद्युतिकरण, मवाईमाधोपुर द्वारा बिना सविन काई के भर्ती किया गया था। प्रार्थी को अस्थायी दर्जा प्रदान करने के लिये बिना गया परन्तु कोई उत्तर नहीं मिला। रेल विद्युतिकरण संस्थान ने अन्तः श्रमिकगण के बिना सविन काई की जांच किये हुए अस्थायी दर्जा प्रदान कर दिया है जबकि प्रार्थी को ऐसा नहीं किया गया। प्रार्थी को बिना कोई कारण के 11-11-88 से नौकरी से निकाल दिया गया, उसके विरुद्ध कोई जांच नहीं की गयी और न उसे बचाव का अवसर दिया गया जोकि न्याय के नैसर्गिक सिद्धान्तों के विपरीत है। प्रार्थी को नौकरी से निकालने समय कोई अग्रिम नोटिस अथवा नोटिस वेतन व छटनी का मुआवजा अधिनियम की धारा 25 एफ के प्रावधानानुसार नहीं दिया गया। प्रतिपक्षी ने जो कारण बताये नोटिस प्रार्थी को दिया उसकी प्रति प्रदर्श डबलू 1 है जिसका जवाब प्रार्थी ने दिया जो प्रदर्श डबलू 2 है। प्रार्थी को बिना कोई जांच के नौकरी से निकाला गया है जबकि प्रार्थी के शपथ पत्र में उल्लेखित राम बाबू आदि कई श्रमिकगण की भर्ती जाली काई पर करने के बावजूद महाप्रबन्धक, रेल विद्युतिकरण, इलाहाबाद से प्रस्थापी मजदूरों की पदों की स्वीकृति लेकर इन्हें नियमित कर दिया गया। विद्वान प्रतिनिधि ने अपनी बहस की नार्डवा में "एटीआर 1989(1) चण्डीगढ़ 228, एटीआर 1988(1) सीएटी 207 एवं 1987 (2) एन. एल. जे. 304" को पेश किया है।

7. ऐसे उक्त बहस पर मनन किया व प्रस्तुत नजरिये का ध्यानपूर्वक अवलोकन किया।

8. प्रार्थी कल्याणसिंह ने अपने शपथ पत्र में यह कहा है कि उसे 16-9-85 को आकस्मिक मजदूर की हैसियत से रेलवे विद्युतिकरण मवाईमाधोपुर द्वारा नौकरी पर रखा गया था व उसने 10-11-88 तक निरन्तर रेल विद्युतिकरण संगठन में काम किया उसके बावजूद उसे अस्थायी दर्जा नहीं दिया गया। प्रार्थी से नौकरी से निकालने से पूर्व बोगस/जाली काई के बारे में कोई जांच नहीं की गयी। व न ही धारा 25 एफ अधिनियम की पालना में अग्रिम नोटिस अथवा नोटिस वेतन व छटनी का मुआवजा नहीं दिया गया।



9. प्रतिपक्षी की ओर से यह प्रमाणपत्र दिनांकित 21-3-90 जारी किया गया कि प्रार्थी कल्याणसिंह ने आकस्मिक खतरासी के रूप में 16-9-85 से 10-11-88 तक प्रतिपक्षी विभाग में काम किया है। यह प्रमाण पत्र सर्विस कार्ड उपलब्ध न होने के कारण दिया गया। मने इस प्रमाण पत्र का मूल भी प्रार्थी प्रतिनिधि के पास देखा है। जब प्रतिपक्षी विभाग स्वयं यह मानता है कि प्रार्थी का सर्विस कार्ड उपलब्ध न होने के कारण उसे सेवा संबंधी प्रमाण पत्र दिया गया है तो वही दूसरी ओर प्रतिपक्षी का यह कहना कि प्रार्थी का सर्विस कार्ड बॉगस था, सही माने जाने योग्य नहीं है। प्रार्थी प्रतिनिधि ने प्रतिपक्षी द्वारा बॉगस कार्ड प्रस्तुत करने के लिये न्यायालय में प्रार्थना पत्र दिया था परन्तु प्रतिपक्षी की ओर से प्रार्थी द्वारा पेश किया गया ऐसा कोई बॉगस कार्ड न्यायालय में पेश नहीं किया गया। प्रतिपक्षी की ओर से यह भी स्वीकृत है कि प्रार्थी को दि. 11-11-88 को जब नौकरी से निकाला गया तो उसमें पूर्व प्रार्थी विरुद्ध कोई घरेलू जांच नहीं की गयी। जब कि प्रार्थी ने प्रतिपक्षी के वहां स्वीकृत रूप में 16-9-85 से 10-11-88 तक कार्य किया एवं प्रार्थी ने कोई बॉगस कार्ड यदि कोई पेश किया और उसके आधार पर प्रार्थी को नौकरी दी गयी तो इस संबंध में प्रतिपक्षी द्वारा नियमानुसार जांच की जानी चाहिये थी जो नहीं की गयी। प्रार्थी की ओर से इस संबंध में उक्त उल्लेखित नजीर प्रस्तुत की गयी है। मने उक्त सभी नजीरों में प्रतिपादित सिद्धांत का अवलोकन किया। इन सभी नजीरों में यह सिद्धांत प्रतिपादित किया गया है कि प्रार्थी यदि बॉगस कार्ड भी पेश किया तो भी उसे सेवा से निकालने से पूर्व घरेलू जांच की जानी चाहिये थी, अतः प्रार्थी के विरुद्ध प्रतिपक्षी ने जो नजीर पेश की है, उनका लाभ प्रार्थी प्राप्त करने का अधिकारी है। स्वीकृत रूप से प्रार्थी के विरुद्ध कोई घरेलू जांच नहीं की गयी और न ही उसे अधिनियम की धारा 25 एक के प्रावधानान्तर्गत एक माह का नोटिस अथवा नोटिस वेतन व छुटती का मुआवजा दिया गया जब कि प्रार्थी ने 16-9-85 से 10-11-88 तक निरंतर कार्यरत रहकर 240 दिन से अधिक समय तक कार्य कर लिया था, अतः प्रतिपक्षी द्वारा दि. 11-11-88 से जो आदेश दि. 8-11-88 के द्वारा सेवा से हटाने का आदेश पारित किया गया है वह नियमानुसार सही नहीं पाया जाता और इस प्रकार प्रार्थी को दि. 11-11-88 से सेवा से हटाना उचित एवं वैध माने जाने योग्य नहीं है। फलस्वरूप प्रार्थी पिछले सम्पूर्ण वेतन व सेवा की निरन्तरता सहित पुनः सेवा में लिये जाने का अधिकारी घोषित होने योग्य है।

10. उल्लेखित सम्पूर्ण विवेचन के आधार पर भारत सरकार अथवा संवत्सर, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इस प्रकार उत्तरित किया जाता है कि डिस्ट्रिक्ट इंजिनियर इंजीनियर, टी. एम. एम. रेलवे इलेक्ट्रिकल डिपार्टमेंट, कोटा द्वारा प्रार्थी अस्मिन् कल्याण सिंह को दिनांक

11-11-88 से सेवा से हटाना उचित एवं वैध नहीं है फलस्वरूप प्रार्थी पिछले सम्पूर्ण वेतन व सेवा की निरन्तरता सहित पुनः सेवा में लिये जाने का अधिकारी घोषित किया जाता है।

इस अधिनियम को समुचित सरकार की नियमानुसार प्रकाशनार्थ भिजवाया जाये।

आर.के. चाचान, न्यायाधीश

नई दिल्ली, 21 अगस्त, 1996

का. आ. 2638—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[सं. एल-41012/75/88-आई आर बी आई]

पी. जे. माईकल,  
डैस्क अधिकारी

New Delhi, the 21st August, 1996

S.O. 2638.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly. and their workman, which was received by the Central Government on 19-8-96.

[No. L-41012/75/83-JR (B-I)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 172 of 1989

#### AWARD

In the matter of dispute between :

Zonal Working President,  
Northern Railway Karamchhari Union,  
96/196, Roshan Bajaj Lane, Lucknow.

#### AND

1. Senior Electrical Engineer,  
Construction N. Rly., Kanpur.
2. Dy. Chief Electrical Engineer,  
Construction N. Rly., Kanpur.

#### APPEARANCES :

Shri D. N. Tiwari for the workman.  
Shri S. C. Dubey for the Management.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification No. 41012/75/D-2(B) dated 21-7-89, has referred the following dispute for adjudication to this Tribunal :—

Whether Senior Electrical Engineer (Construction) (V), Northern Railway, Kanpur was justified in not regularising the services of Shri Basant Lal S/o Late Devi Prasad as wireman-fitter with effect from 9th July, 1968? If not, what relief the workman was entitled to?

2. The concerned workman Basant Lal in his claim statement has alleged that originally he was engaged as wireman

on 9-7-68 with the opposite party Northern Railway and was posted under Sr. Foreman (General) N. Rly., Kanpur. From 15-6-79 he was brought in construction unit under Senior Electrical Engineer. On 21-11-83 his services were brought to an end. He raised an Industrial Dispute No. 3 of 1986 which was decided in his favour and the concerned workman was reinstated on 11-4-87. On 17-3-88 he was transferred to Aligarh where he had been designated as Khalasi as there was no interruption because of his fault from 9-7-68 he is entitled for regularisation from 9-7-68. He has also claimed seniority over Haneef, Shyam Sunder, Rajender Prasad and Ram Pyare.

3. The opposite party has filed reply in which it is denied for want of record that the concerned workman was engaged on 9-7-68. Instead it is alleged that the concerned workman was engaged from 15-6-79 as daily rated casual wireman w.e.f. 15-6-79 under Sr. Electrical Foreman (Construction) N. Rly., Kanpur. It is also admitted that concerned workman was given a temporary status in the award given in I.D. 3 of 1986 taking his services commencing from 15-6-79. The concerned workman was not regularised as he has not appeared in test before screening committee.

4. In rejoinder it was alleged by the concerned that he was sent for medical on 12-1-74 after he was cleared in screening test but his medical examination did not take place. He was never asked to appear in screening test again.

5. The concerned workman will not be entitled for regularisation w.e.f. 9-7-68. In the first place in I.D. Case No. 3/86 the concerned workman himself had alleged that he had acquired temporary status after serving for four months on the basis of his appointment on 15-6-79. In other words he had given up his claim prior to 15-6-79. Further this fact is re-enforced by the allegation made in Applications Section 33-A I.D. Act, 1947, registered as I.D. 70/91. In the prayer para it has been alleged that he should be taken to have been employed w.e.f. 15-6-79. Hence because of these two factors the concerned workman cannot claim regularisation w.e.f. 9-7-68.

6. Now the second question which needs consideration is as to whether the concerned workman will be entitled for regularisation from 15-6-79. It may be mentioned that the concerned workman was once empaneled on 19-2-73 when he was working on the basis of his services w.e.f. 9-7-68 and he was sent for medical examination. This is proved from Annexure-I which has been filed alongwith rejoinder. This shows that the concerned workman was found fit. In view of this earlier empanelment there was no need for fresh screening test. It is also on record that he has been found medically fit on 24-2-89. Hence he will be entitled for regularisation w.e.f. 15-6-79.

7. I award accordingly. He will be further entitled for consequential financial and promotional benefits accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अगस्त, 1996

का.आ. 2639.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मध्य रेलवे के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपाठ को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[सं. एल-41012/57/91-आई.आर.बी.आई.]

पी.जे. मार्टिन, डेस्क अधिकारी

New Delhi, the 21st August, 1996

S.O. 2639.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government In-

dustrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Rly., and their workmen, which was received by the Central Government on the 19-8-96.

[No. L-41012/57/91-IR (B-I)]

P. I. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 114 of 1992

In the matter of dispute :

BETWEEN :

President :

Rashtriya Chaturth Shreni Rail Mazdoor,  
Congress, 4, Heerapura Nagra, Jhansi.

AND

The Sr. D.R.M. Central Railway.  
Jhansi.

APPEARANCE :

Surendra Singh—for the Union.

B. N. Bhattacharya—for the Management.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-41012/57/91-IR(DU) dt 9-9-92, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Central Railway Jhansi in terminating the services of Sri Hari Shanker w.e.f. 22-3-87 ? Is legal and justified ? If not, what relief the workman is entitled ?

2. The case of the concerned workman Hari Shanker is that he was appointed as a casual labour from 25-11-83 and continued to or upto 21-3-87 without interruption. His services were brought to an end w.e.f. 22-3-87 without affording any opportunity to him which is illegal.

3. The opposite party has filed written statement. In this case the authorised representative of the railway has alleged that the concerned workman had obtained employment by furnishing fake service cards which on inquiry was found to be true, hence the services of the concerned workman were terminated.

4. This contention is based on no evidence. The railway ought to have filed the report of the inquiry. In any case papers ought to have been filed to show that actually domestic inquiry was held against the concerned workman in this regard. Thus in the absence of any pleading and proof this contention cannot be accepted specially when it has been denied. Here it will be relevant to mention the case of Union of India versus M. Bhaskaran 1996 Lab. IC 581(SC). This case also related to sacking of railway employee who had obtained service by furnishing fake service record. The facts of the case reveal that the management carried out domestic inquiry and on the basis of that domestic inquiry the workman was removed from service. Hon'ble Supreme Court had held that when such removal was made on the result of domestic inquiry, there was no flaw in the termination. This case law impliedly would mean that holding of domestic inquiry is condition precedent to the removal from service where the case of the management is that employment was obtained by furnishing fake service card. In the instant case it has been held that no domestic inquiry was held. In its absence I have no hesitation in holding that termination was bad in law.

5. Hence my award is that termination of the services of the concerned workman is bad in law. He will be reinstated in service within one month from the date of publication of this award. The management is left with the option to hold domestic inquiry in the matter of fake service card and in case the matter decided against the concerned workman it will be open to the management

to punish the concerned workman suitably. In this context I am not awarding any back wages.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अगस्त, 1996

का.आ. 2640.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[सं. एल-41012/25/90-आई आर.बी.आई]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 21st August, 1996

S.O. 2640.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly. and their workmen, which was received by the Central Government on the 19-8-96

[No. L-41012/25/90-IR (B-I)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR  
Industrial Dispute No. 265 of 1990

In the matter of dispute :

BETWEEN :

Dinanath Tiwari Mandal Adhyaksh  
Uttar Railway Karamchhari Union,  
2 Navin Market Parede, Kanpur.

AND

Divisional Engineer,  
Northern Railway Etawah.

APPEARANCES :

Dinanath Tiwari—for the Union,  
Suman Gupta—for the Management.

#### AWARD

1. Central Government, Ministry of Labour, vide its notification No. 41012/25/90/IR(DU) dt 7-11-90, has referred the following dispute for adjudication in this Tribunal.

Whether the Divisional Engineer, Northern Railway, Etawah is justified in not promoting to the post of CPC Scale Mason with effect from 1981 is justified? If not what relief the concerned workman is entitled to?

2. The concerned workman Ramesh was admittedly employed as Mason and posted at Shikohabad Railway Station of Northern Railway. It is alleged that a test for promotion was taken in the year 1979 in which concerned workman was subsequently by letter No. 3/E/8, TT dt. 3-9-81 was posted under IOW Etawah in the grade of Rs. 260-400. There were three other persons in the panel. The concerned workman was not given promotion at that post in 1981 although Juniors to him and persons who were not in the panel like Prem Babu Ram Sanahi and Shyam Babu were given promotion in 1981. Hence

he is entitled for promotion from 1981-(3-9-81) as CPC Scale Mason.

3. The opposite party has filed reply in which it is denied that the concerned workman was superseded and that when his turn came he was promoted.

4. In the rejoinder nothing new has been said. From the above pleadings of the parties this is evident that concerned workman had passed the test and his name was included in the panel for promotion. Indeed Sanjai Garg inspector of works MW-1 has also concerned this fact. He has admitted, that the concerned workman was included in the test in 1981. He has further admitted that in 1982 some other persons were promoted but the concerned workman was not promoted under I.O.W. as he showed his unwillingness. In other words the concerned workman was not promoted because of his refusal and thereafter juniors to him were promoted. It is not the case of management in the written statement. Further concerned workman has denied this fact. It appears to me that this explanation is after thought otherwise a letter would have been issued in the normal course to the workman informing that he has been superseded. In its absence I am not inclined to believe that concerned workman has declined to go under I.O.W. Instead the higher authorities of the opposite parties arbitrarily and in order to show favours to others had not promoted to the concerned workman.

5. Accordingly the concerned workman will be entitled for c.p.c. Mason w.e.f. 1981. I award accordingly. It is further ordered that as the concerned workman has raised the dispute belatedly he will not be entitled for difference of wages. Further he will be entitled for all retiral benefits and this period will also be calculated for further promotions.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अगस्त, 1996

का.आ. 2641.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, नार्थ ईस्टर्न रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[सं. एल-41012/103/91-आई आर.बी.आई.]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 21st August, 1996

S.O. 2641.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. E. Rly. and their workmen, which was received by the Central Government on the 19-8-96.

[No. L-41012/103/91-IRBI]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 122/92

In the matter of dispute between :  
General Secretary,

Purvottar Railway Sharmik Sangh,  
6, Navcen Market,  
Kaiser Bagh, Lucknow.

#### AND

Senior Divisional Commercial Supdt.,  
N. E. Rly., Ashok Marg, Lucknow.

#### APPEARANCES:

Km. Qamar Jhan—for the management.  
Shri P. K. Tiwari—for the workman.

#### AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-41012/103/91, dated 30-9-92 has referred the following dispute for adjudication to this Tribunal:—

“Whether the action of Assistant Commercial Superintendent, N.E. Railway, Lucknow in removing Shri Kishanlal, S/o Munir, Safaiwala from service w.e.f. 7-2-1986 is legal and justified? If not, what relief the workman concerned is entitled to?”

2. It is unnecessary to give full facts of the case as on 24-7-96 authorised representative of the workman made an statement that he has no instruction from the concerned workman. As such the reference is not pressed.

3. In view of above the reference is answered against the concerned workman for want of proof. Consequently the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अगस्त, 1996

का.आ. 2642.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[सं. एल-41012/118/93-आई.आर.वी.आई.]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 21st August, 1996

S.O. 2642.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. Rly. and their workmen, which was received by the Central Government on 19-8-96.

[No. L-41012/118/93-IRBI]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER—  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR  
Industrial Dispute No. 100 of 1995

In the matter of dispute between:

Dinanath Tiwari,  
Mandal Sangthan Mantri, Uttar Railway  
Karamchhari Union, 2, Navin Market, Parade,  
Kanpur.

#### AND

Mandal Rail Prabandhak,  
Uttar Railway, Allahabad.

#### EX-PARTE AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-41012/118/93-IRB-2 Dt. 17-8-95, has referred the following dispute for adjudication to this Tribunal—

Kya Mandai Rail Prabandhak, Uttar Railway, Allahabad Dwara Karamkar Sri Om Prakash Putra Si Badlu ko dinank 16-10-82 se nishkashit karna nyayochit hai? Yadi nahi to sambandhit karmkar kis anutosh ka hakdar hai?

2. The concerned workman Om Prakash in his claim statement has alleged that he was engaged as casual khalasi with Senior Electrical Foreman (General), Northern Rly. at Kanpur on 20-8-77. He continued to work at this post till 15-10-82 from 16-10-82, the opposite party stopped taking work from him on the ground that some inquiry was pending against him in connection with incident of one Hausala Prasad. Thereafter he went on corresponding with the opposite party for being job. One such letter was written on 22-7-92. The management on 27-7-92 informed that his services were brought to an end w.e.f. 16-10-82. It is alleged that this termination is bad in law as it was done without holding any regular inquiry or complying with the provisions of Industrial Disputes Act.

3. Notices were issued to the opposite party but they failed to put in appearance.

4. In support of his case the concerned workman has given his evidence. Besides he has filed ext. W-1 to W-15 which are copies of correspondence. From all this evidence it is fully proved that the services of the concerned workman had been terminated without holding inquiry and without complying with the provisions of Section 25F of I.D. Act. This requirement is necessary as the concerned workman had acquired temporary status.

5. Accordingly my award is that the concerned workman is entitled to be reinstatement as his termination is bad in law. He shall also get back wages from the date of reference.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 अगस्त, 1996

का.आ. 2643.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[सं. एल-12012/162/92-आई.आर.वी.आई.]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 21st August, 1996

S.O. 2643.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SBI and their workmen, which was received by the Central Government on the 19-8-1996.

[No. L-12012/162/92-IRB-I]

P. J. MICHAEL, Desk Officer.

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Friday, the 28th day of June, 1996

**PRESENT :**

Thiru S. Thangaraj, B.S., LL.B., Industrial Tribunal.

**INDUSTRIAL DISPUTE NO. 99 OF 1992.**

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the management of State Bank of India, Madras-1).

**BETWEEN :**

Thiru K. Chinnaji, No. 4, Ramar Street, Devaraj Nagar, Saligramam, Madras—600 093.

**AND**

The Chief General Manager, State Bank of India, Local Head Office, 21 Rajaji Salai, Madras—600 001.

**REFERENCE :**

Order No. L-12012/162/92-IR. B. III, Ministry of Labour, dated 4-11-1992, Government of India.

This dispute coming on for final hearing on Tuesday, the 25th day of June, 1996 upon perusing the reference claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru K. M. Ramesh, advocate appearing for the workman and of Tvl. T. S. Gopalan, and P. Ibrahim Kalifulla, advocates appearing for the management, and this dispute having stood over till this day for consideration, this Tribunal made the following.

**AWARD**

The Government of India by its letter No. L-12012/162/92-IR. B. III, dated 4-11-1992 referred for adjudication by this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute, —

“Whether the dismissal of Shri K. Chinnaji from service with effect from 24-6-89 by the Management State Bank of India was justified? If not, to what relief(s) the workman is entitled to?”

After services of notices the petitioner and respondent filed their claim statement and counter statement respectively.

The main averments found in the claim statement filed by the petitioner are as follows :—

The petitioner Shri K. Chinnaji was appointed as a casual labour on 6-11-1966 in the Madras main branch of the State Bank of India. In the year 1987 he was working as Deputy Cash Officer in the Coonoor Branch. On 25-9-1987 the customers found out tampering of a few sections of Rs. 50/- currency notes and the matter was reported to the Cash Officer and Branch Manager. On examining the sections of Rs. 100/- and Rs 50/- currency notes the shortage roughly estimated to the tune of Rs. 10,000/-. The Branch Manager compelled the petitioner to make good the alleged loss of Rs. 10,000/- immediately and he threatened the

petitioner that the matter would be reported to the police. The petitioner became very nervous and ponicky and mentally broke down and cried to the Branch Manager to save him from any serious consequences. The Branch Manager, forced the petitioner to give an admission letter to his dictation admitting the tampering of few sections of Rs. 100/- and Rs. 50/- cash bundles. The petitioner had no mind to give such a letter and due to coercion it was obtained from him. On 26-9-1987 the petitioner paid the alleged loss of Rs. 10,000/- in the bank. On 29-9-1987 the Regional Manager-II (Disciplinary Authority) issued suspension order alleging that he had stealthily removed pieces of currency notes from the section of Rs. 100/- and Rs. 50/- denominations. The total shortage found out was Rs. 8,150/- and another shortage of Rs. 400/- was also reported by M/s. Kundah Industrial Co-operative Tea Factory. While on suspension, a charge-sheet dated 29-3-1988 was served on him. An enquiry was ordered and the petitioner participated in the enquiry. The enquiry officer, submitted his finding. On 24-6-1989 the Regional Manager (Disciplinary Authority) issued the second show cause notice that he proposed to impose the penalty of “dismissal from service”. The petitioner sent his explanation to the Appellate Authority. The Appellate Authority confirmed the dismissal order and the appeal was dismissed. The charges are false and have not been proved in the manner known to law. The Enquiry Officer and the Disciplinary Authority depending upon the alleged admission of the petitioner which was obtained under coercion and intimidation found that the charges have been proved against him. The finding of the Enquiry Officer was not based on any independent evidence and the conclusions arrived at is contrary to the principles of natural justice. The petitioner was not given reasonable opportunity to disprove the charges. The copy of the enquiry proceedings and the findings of the enquiry officer were not supplied to the petitioner. The show-cause notice issued thereafter is nothing but an empty formality and not bonafide. The petitioner had put unblemished service for over 19 years which is a valid extenuating circumstance in his favour was not considered by the authorities. The punishment of dismissal from service is extremely harsh and shockingly disproportionate and is indicative of victimisation and unfair labour practice. Therefore the punishment imposed on the petitioner may be set aside and he may re-instated in service with full back-wages, continuity of service and all other attendant and consequential benefits.

The main averments found in the counter filed by the Respondent are as follows :—

On 25-9-1987 shortages were found in several pieces of currency denominations of Rs. 50/- and Rs. 100/- and the petitioner voluntarily admitted that he tampered with some bundles which were ringed with rubber bands by him for easy identification. It was found out that he had stealthily removed Rs. 8,150/- from various bundles. M/s. Kunda Industrial Co-operative Tea Factory reported a shortage of Rs. 400/- in two sections of Rs. 50/- denomination currency notes received by them from the bank. The petitioner voluntarily admitted the removal of currency notes from the bundles. The

petitioner has also purchased goods on credit and issued 7 cheques and one among the cheque for Rs. 905 presented by Variety Hali Agencies was returned unpaid by the Branch. On 25-9-1987 the petitioner gave a letter in writing admitting his fault and pleaded that because of financial problems he had resorted to the same. On 26-9-1987 he remitted into the Bank a sum of Rs. 10,000/- to make good the loss. On 29-3-1988 a charge sheet was issued to him. On 11-4-1988 the petitioner gave a reply admitting the misconduct. As the explanation was not satisfactory, an enquiry was held into the charges on 27-1-1989. The petitioner appeared before the enquiry officer and admitted all the charges. Since the petitioner admitted all the charges, the enquiry was closed. The Enquiry Officer gave his findings on 1-2-1989 holding the petitioner guilty of the charges. The Disciplinary Authority proposed to impose the punishment of dismissal without notice and on 3-7-1989 the petitioner appeared for the personal hearing and again pleaded for pardon. After considering his representation the Disciplinary Authority passed an order of dismissal. Against the said order the petitioner preferred an appeal to the Deputy General Manager, the appellate Authority who after considering the representation of the petitioner dismissed the appeal on 3-10-1989. When the tampering was found out the petitioner voluntarily admitted the tampering of the sections of currency notes from some of the bundles of Rs. 50/- and Rs. 100/-. The letter dated 25-9-87 was not obtained by coercion. The petitioner admitted his guilt not only in his letter dated 25-9-1987 and also his letter dated 11-4-1988 and also in the enquiry. Even in his appeal dated 12-8-1988 the petitioner did not deny the charges. The petitioner had admitted the charges on more than one occasion and there was little scope to interfere with the order of dismissal. The petitioner had indulged in a conduct which reflected on his integrity and the bank had lost confidence in him. The punishment is just and proper. Award may be passed rejecting the claim of the petitioner.

The petitioner has examined himself as WW-1 and marked Ex. W-1 to W-17. The respondent/bank examined on a witness on its side and marked M-1 and M-2 before this Tribunal. The argument of both sides were heard.

The Point for our determination is :

"Whether the dismissal of Shri K. Chinnaji from service with effect from 24-6-1989 by the Management of State Bank of India was justified? If not, to what relief(s) the workman is entitled to?"

The petitioner K. Chinnaji was appointed as a casual labour on 6-11-1966 in the Madras Branch of the State Bank of India. On 25-9-87 when he was working as a Deputy Head Cashier of the Coonoor Branch of State Bank of India, tampering of few sections of bundles of Rs. 50/- and Rs. 100/- denominations was found out and the shortages was roughly estimated to the tune of Rs. 10,000/-. The petitioner voluntarily admitted the tampering of the cash bundles and removing the currency notes. Ex. W-16 is the letter given to the Branch Manager on 25-9-1987 by the petitioner. On the same day the

Branch Manager gave him a letter Ex. W-1 to make good the misappropriated amount of Rs. 10,000/- immediately. The petitioner gave an undertaking to pay the amount on the next day i.e. 26-9-1987. He had paid the amount in the bank as promised by him. However disciplinary proceeding was initiated against him on 29-9-1987. The Regional Manager-II (Disciplinary Authority) gave him the memo Ex. W-2, stating that he had removed the pieces of currency notes stealthily from a few sections of Rs. 100/- and Rs. 50/- denominations of currency and the shortage was estimated to the extent of Rs. 8,150/-. After proper verification the disciplinary authority framed 3 charges against him as per the Ex. W-3. The first charge was for stealthily removing pieces of notes from few sections of Rs. 100/- and Rs. 50/- denominations of currency notes to the tune of Rs. 8,150/-. The second charge was that in the currency notes issued to M/s. Kunddah Industrial Co-operative Tea Factory on 25-9-1987, there was a shortage of Rs. 400/- in two sections of Rs. 50/- denominations and he was responsible for the same. The third charge was not very much connected with the other two charges and it is for the goods purchased by him on credit basis from M/s. Variety Hall Agencies, Coonoor and the payment made by him in 7 cheques and one among the cheque being returned to him unpaid by the Bank. The petitioner gave an explanation dated 11-4-1988 marked as Ex. W-4. The management not satisfied with the explanation offered by the petitioner decided to conduct enquiry against him and M.W. 1 was appointed as the Enquiry Officer. In the Enquiry when charges were read out and explained, the petitioner voluntarily pleaded guilty to all the 3 charges. The Enquiry Officer recorded the plea of guilt and closed the enquiry. The enquiry proceedings are marked as Ex. M-2 wherein that the employee Shri K. Chinnaji voluntarily admitted the guilt and he was found guilty of the charges framed against him. Basing on this findings the competent authority sent exhibit W-7, proposing the punishment of "dismissal without notice". The disciplinary authority also gave him an opportunity to make his submissions regarding proposed punishment. The petitioner had availed of this opportunity. The Disciplinary Authority under Ex. W-8 passed final order of dismissal. The covering letter is marked as Ex. W-9. The petitioner has preferred an appeal Ex. W-10 before the Appellate Authority. The Appellate Authority going through the submissions made by the petitioner passed an order Ex. W-11 confirming order of dismissal. Thereafter on 25-2-92 the petitioner has filed a petition before the Assistant Labour Commissioner for conciliation. The Conciliation Officer filed the report of failure of conciliation and the dispute was referred to this Tribunal for adjudication.

The petitioner has raised number of objections regarding the enquiry conducted by the Enquiry Officer. He had argued that out of threat and coercion, he had to give some letters as if he had voluntarily pleaded guilty to the charges. The learned Counsel appearing for the petitioner has argued that due to threat and coercion admission letter was obtained by the bank officials and the enquiry conducted by the Enquiry Officer was an empty formality which has no sanctity of law. The reason that

the petitioner had to give the letters admitting the stealthy removed of Rs. 50/- and Rs. 100/- currency notes from a few sections cannot be belived when we peruse the records. A close security of records shows that the petitioner had given the statements voluntarily. On 25-9-1987 when the shortage was found out, the petitioner gave the letter Ex. W-16 wherein he had admitted the removal of currency notes and stated that "I am making the statement because of that my conscience which does not permit me to remain silent any more". These words clearly go to show that he had given the statement Ex. W-16 voluntarily. On the same day he had given Ex. W-17 undertaking to make good the amount on 26-9-1987. Ex. W-16 and W-17 were given by him on 25-9-1987. It was contended in the claim statement that when the Manager threatened to take police action against him, the Petitioner became very nervous and panicky and mentally broke-down and cried to the Branch Manager to save him from police harassment and serious consequences. It was also alleged that due to pressures and coercion the Branch Manager has obtained admission letters from him. If so, the petitioner could have reported the matter to the higher authorities stating his innocence. He has not done so. The petitioner had never taken any such steps till 23-6-1992 in order to safe guard his own interest. The petitioner had put in 19 years of service in the Bank and at the time of the incident he was Deputy Head Cashier Coonoor Branch of the State Bank of India. He had stated in Ex. W-4 that he consulted his friends and on their advice he told the truth to the Branch Manager. He would not have kept quite for a long time without taking any steps if the statements were obtained from him out of pressure and coercion. Apart from that when the Disciplinary Authority framed charges against him on 29-3-1988, the petitioner submitted his reply dated 11-4-1988 marked as Ex. W. 4 admitting all the 3 charges. Ex. W-4 is written in Tamil and the petitioner had stated that his mother tongue is Telugu and in consultation with the Assistant Secretary of Trade Union, the same was written and he had signed it. He had not stated that Ex. W-4 was not written according to his version. Though the petitioner tried to offer some explanation the same will not attract our consideration. It is clear that Ex. W-4 has been written to the voluntary narration of the petitioner. He has clearly admitted his guilt to all the charges and prayed for mercy stating his family circumstances. Before the Enquiry Officer also he voluntarily admitted all the 3 charges and pleaded guilty. The Enquiry Officer has recorded the plea of guilt in the enquiry proceedings marked as Ex. M-1. Basing on the admission of the petitioner the Enquiry Officer closed the enquiry and submitted his report Ex. M-2. It is clear from these documents dated from 25-9-1987 to 27-1-1989, nearly for over 16 months he had steadily maintained his voluntary plea of guilt to the charges. While considering all these documents it is clear that the statement marked as W-16 and W-17 and W-4 and his plea of guilt in the enquiry proceedings marked as Ex. W-1 are all voluntary in nature. He has mentioned the same plea of guilt even in the appeal petition marked as Ex. W-10 and pleaded for reduction in rank on sympathetic considerations. It is not out of place to mention that for the first time after dismissal when he pre-

ferred the memorandum to the Assistant Labour Commissioner (Central-I) Madras, he had given so many reasons which were not stated by him earlier. For the incident which had taken place in the year 1987, he had given different reasons only in the year 1992 in Ex. W-13, after a lapse of 5 years. The petitioner thought fit to change his earlier version and came forward with new reasons, most probably in order to escape from the punishment imposed on him. It has been sufficiently proved that the petitioner has voluntarily pleaded guilty to the charges framed against him.

The next reason on the side of the petitioner is that the enquiry was totally vitiated and basing reliance on such enquiry the punishment of dismissal ought not to have been imposed on him. The petitioner has submitted a ruling of our High Court in ANNAMALAI AND ORS. V. REGIONAL MANAGER, REGION-IV, S.B.I. AND ORS. 1988 1 L.L.J. PAGE 174 at 176 wherein it has been held,

"As already noted, the very show cause notice declared the intention to treat the charges as amounting to gross misconduct and the punishment therefore, if proved, was admittedly discharge or dismissal. In such a contingency, it is not permissible to dispense with the enquiry".

The respondent/management had drawn my attention to few decisions.

In Central Bank of India Limited Vs. Karunamoy Banerjee 1967 11 L.L.J. Supreme Court Page 739 at 745 wherein it has been held.

"But, if the workman admits his guilt, to insist upon the management to let in evidence about the allegations, will in our opinion, only be an empty formality."

In State Bank of India Vs. V. K. Kannabiran and Another\* in 1986 1 L.L.N. Page 462 our High Court has held,

"In view of such admission of guilt, it was rightly contended by the learned counsel for the petitioner, there is no need to hold the enquiry. After all, enquiry is necessitated only when there is controversy or dispute between the two parties."

In Hindustan Aeronautics Ltd. Vs. V. K. Shanmugam 1991 2 L.L.N. Page 1140 at 1158 The High Court of Karnataka has held,

"Further, there was no necessity for the management to examine other witnesses, when the workman pleaded guilty."

In P. K. Thankachan Vs. Thalandu Service Co-operative Bank Ltd., And Another 1994 1 L.L.N. 411 at Page 412 The High Court of Kerala has held,

"There was no dispute before the enquiry officer about the fact that the petitioner was indeed guilty of the charge of fabricating documents. The admission was made twice—firstly, by the writing endorsed by him before the report of respondent 1 and



secondly, during the course of the enquiry. Therefore, there is no substance in the petitioner's contention that notwithstanding his admission of guilt, the enquiry officer was under an obligation to record evidence."

In the ruling of our High Court reported in 1988 1 L.L.J. Page 174, the other ruling of our High Court reported in 1986, 1 L.L.N. page 462 have been considered. After consideration it has been held that if the case is one of misconduct and the punishment therefore is admittedly discharge on dismissal and in such a contingency it is not permissible to dispense with the enquiry. In that case also a employee was involved in serious misconduct and disciplinary action was taken as per Sastri Award and Desai Award. In the instant dispute also the disciplinary enquiry has been conducted as per the provisions of those two awards. In the ruling reported in 1967 II L.L.J. Page 739 to Page 745 the Supreme Court has considered the disciplinary enquiry held against an employee of the Central Bank of India Limited for certain misconducts, in a petition filed under section 33(2)(b) Industrial Disputes Act. In that case the workman pleaded guilty to the charges and thereafter the enquiry was concluded without examining any witness. The Supreme Court has held that when the workman admitted his guilt to insist upon the management let in the evidence about the allegations will be an empty formality. In the said case also an extreme penalty of discharge was proposed against the workman and to get approval of the Labour Court, Dhanbad, the petition under Sec. 33(2)(b) Industrial Disputes Act has been filed by the Management. Even then the Supreme Court thought fit to hold that when the workman voluntarily pleaded guilty in such circumstance, insisting the management to let in evidence will be an empty formality. This decision was rendered by our Supreme Court on 18-8-67. Sastri Award came into effect on 5-1-52 and Desai Award on 7th June 1962. However, the Supreme Court has taken such a view when those two awards were in force. In 1991 II L.L.N. 1140 at page 1158 the Karnataka High Court, basing on that decision of the Supreme Court has held that there was no necessity for the management to examine other witnesses when the workman pleaded guilty. This decision of the Karnataka High Court is a recent one. In the case of P. K. Thankachan Vs. Thalanadu Service Co-operative Bank Limited and another 1994 I L.L.N. Page 412, the Kerala High Court considered these views and came to the conclusion that when the workman had admitted the charge and thereafter pleaded guilty in the enquiry there was no obligation for the enquiry officer to record evidence thereafter. Considering the view taken by our Supreme Court of India and also the recent decisions of the Karnataka and Kerala High Courts and of our High Court in 1986 I L.L.N. page 462 it can be held that when the petitioner/workman has voluntarily pleaded guilty there was no necessity for the enquiry officer to record the evidence of the witnesses. In 1988 I L.L.J. page 174 our High Court has held that before awarding a punishment of discharge or dismissal it was necessary for the Enquiry Officer to record the evidence of witnesses even if the workman pleaded

guilty to the charge. However in the decision reported in 1986 I L.L.N. page 462 our High Court has followed the view taken by the Supreme Court in 1967 II L.L.J. page 739. The Karnataka and Kerala High Courts have also followed the said decision of the Supreme Court of India. Basing reliance on the consistent pronouncements of Supreme Court and High Courts, we shall deal with the plea of guilt by the petitioner. At the risk of repetition let me state the facts again. On 25-9-87 under exhibit W-16 the petitioner has voluntarily admitted his misconduct. On the same day he has filed exhibit W-17 undertaking to make good all the amount on the next day. Accordingly he paid a sum of Rs. 10,000 on the next day. When charges were framed against him, according to him with the help of Assistant Secretary of the union, he submitted exhibit W-4 on 11-4-88 admitting the charges and pleading for mercy. In the enquiry held on 27-1-89, he voluntarily pleaded guilty to all charges, framed against him. From 25-9-87 till 27-1-89 he had consistently admitted the misconduct and pleaded guilty to the charges. When the order of dismissal was passed against him he preferred an appeal W-10 wherein also he has voluntarily admitted the misconduct and pleaded for the mercy. After the Appellate Authority confirmed the order of dismissal on 3-10-89 and he had not moved his little finger till 25-10-92. Only on 22-6-92 he had come forward with new explanation. The petitioner had consistently maintained the plea of guilt for over a period of five years. Applying the principle laid down by the Supreme Court in 1967 II L.L.J. page 739 at Page 745 and also the similar view taken by our High Court and Karnataka and Kerala High Courts we have to hold that the enquiry was fair and proper in the instant case.

While considering the punishment imposed on the petitioner there is no valid reason to differ with the disciplinary Authority who passed the order of dismissal and confirmed by the Appellate Authority. Out of compelling circumstances the petitioner had to involve in such a misconduct. In order to attend to the needs of his family members he had indulged in such misconduct. The petitioner was a Deputy Head Cashier in a Nationalised Bank at the time of the incident. We cannot treat leniently the action of the petitioner in stealthily removing currency note from few section of Rs. 100 and Rs. 50 denominations. While considering the gravity of the misconduct the reasons shown by him for mercy cannot be accepted. In such circumstance there is no reason to interfere with the order of dismissal passed by the Disciplinary Authority and confirmed by the Appellate Authority. For the foregoing reasons the dismissal of the petitioner Shri K. Chinnaji with effect from 24-6-89 by the management of State Bank of India is justified and the workman is not entitled to any relief.

In the result award is passed rejecting claim of the workman. No costs.

Dated this, 28th day of June, 1996.

S. THANGARAJ, Industrial Tribunal  
WITNESSES EXAMINED

For Workman

W.W.1—Thiru K. Chinnaji.



## For Management

M.W.1.—Thiru N. Subramanian.

## DOCUMENTS MARKED

## For Workman

Ex. W-1—25-9-87.—Letter from Respondent-Bank to the Petitioner-workman Thiru K. Chinnaji (Xerox copy)

W-2—29-9-87.—Memo issued to the Petitioner-workman by Respondent-Management (Xerox copy)

W-3—29-3-88.—Chargesheet issued to the Petitioner-workman (Xerox copy)

W-4—11-4-88.—Explanation by the petitioner-workman to Ex. W-3 (Xerox copy).

W-5—16-7-88.—Letter from Respondent-Bank to the Petitioner-workman (Xerox copy)

W-6—5-1-89.—Letter from Respondent-Bank to the Petitioner-workman (Xerox copy)

W-7—24-6-89.—Letter from Respondent-Bank to the Petitioner-workman (Xerox copy)

W-8—3-7-89.—Dismissal Order issued to Petitioner-workman (Xerox copy)

W-9—28-7-89.—Letter from Respondent-Bank to the Petitioner-workman (Xerox copy)

W-10—Appeal of Petitioner-workman to the Respondent-Bank (Xerox copy)

W-11—3-10-89.—Order of the Respondent-Bank on the appeal submitted by the petitioner workman

W-12—9-3-92.—Notice from the Asstt. Labour Commissioner (Central) to the Petitioner &amp; Respondent-Bank (Xerox copy)

13—23-6-92.—Letter from Petitioner-Workman to the Asst. Labour Commissioner, Madras-6 (Xerox copy)

W-14—6-7-92.—Notice from the Asst. Labour Commissioner (Central) to the Petitioner and Respondent-Bank.

W-15—23-7-92.—Conciliation Failure Report. (Xerox copy)

W-16—25-9-87.—Letter from Petitioner-workman to the Branch Manager State Bank of India Coonoor (Xerox copy)

W-17—25-9-87.—do—

## For Management

Ex. M-1—27-1-80.—Proceedings of the Enquiry Officer (Xerox copy)

M-2—1-2-89.—Findings of the Enquiry Officer (Xerox copy).

नई दिल्ली, 23 अगस्त, 1996

का. प्रा. 2644.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये, केन्द्रीय सरकार हाड़ोती क्षेत्रीय ग्रामीण बैंक द्वारा प्रेषित की गई सूचना के दिनांक 23-7-96

नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निरदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-96 को प्राप्त हुआ था।

[सं. एल-12012/146/93-आई आर.बी.आई.]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 23rd August, 1996

S.O. 2644.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Hadotti Kshetrya Gramin Bank and their workman, which was received by the Central Government on the 22-8-96.

[No. L-12012/146/93-IRBI]

P. J. MICHAEL, Desk Officer

## अनुबन्ध

न्यायाधीश औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

निर्देश प्रकरण क्रमांक : औ. न्या. (केन्द्रीय)-32/93

दिनांक स्थापित : 3-12-93

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली की अधिसूचना सं. एल. 12012/146/93/आईआर.बी.आई दिनांक 24-11-93

औद्योगिक विवाद अधिनियम, 1947

## मध्य

सुरेश कुमार शर्मा द्वारा महासचिव, हाड़ोती क्षेत्रीय ग्रामीण बैंक, एम्पलाईज एसोसिएशन, म.नं. 88, इन्द्रा मार्केट, बृजराजपुरा, कोटा।

—प्राचीन श्रमिक

## एवं

प्रबन्धक, हाड़ोती क्षेत्रीय ग्रामीण बैंक, कोटा।

—प्रतिपक्षी नियोजक

## उपस्थित

श्री आर.के. चाचान,

आर.एच.जे.एस.

प्राचीन श्रमिक की ओर से : कोई उप. नहीं  
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि : श्री एम.सी. गुप्ता  
अधिनिर्णय दिनांक : 23-7-96  
अधिनिर्णय :

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1)(ब) के

अंतर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :—

"Whether the action of the management of Hadoti Kshetriya Gramin Bank, Kota, in punishing the workman Shri Suresh Kumar Sharma, Clerk-cum-Cashier by way of stoppage of one increment with cumulative effect is legal and justified? If not, to what relief the concerned workman is entitled?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी जिस पर प्रतिपक्षी की ओर से प्रतिनिधि द्वारा अपनी उपस्थिति दर्ज करायी गयी। प्रार्थी यूनियन को न्यायाधिकरण द्वारा निर्देश में अंकित पते पर कई बार नोटिस जारी किये गये परन्तु उनकी तामील नहीं हो रही है। स्वयं प्रार्थी भी आज तक न्यायाधिकरण में उपस्थित नहीं हुआ है जबकि यह निर्देश न्यायाधिकरण में सन् 93 दिसम्बर से विचाराधीन चल रहा है और आज तक प्रार्थी पक्ष की ओर से क्लेम स्टेटमेंट प्रस्तुत नहीं किया गया है। इन परिस्थिति में यह स्पष्ट प्रकट होता है कि प्रार्थी अथवा प्रार्थी यूनियन को इस प्रकरण में कोई रुचि नहीं रही है, अतः प्रकरण में 'विवाद रहित अधिनिर्णय' पारित किया जाता है।

इस अधिनिर्णय को समुचित सरकार को नियमानुसार भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रकाशनायक भिजवाया जावे।

आर.के. चाचान, न्यायाधीश

नई दिल्ली, 23 अगस्त, 1996

का.आ. 2645.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-8-96 को प्राप्त हुआ था।

[सं. एल-41012/156/89-आई.आर.बी.आई.]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 23rd August, 1996

S.O. 2645.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award to the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly., and their workman, which was received by the Central Government on 22-8-96.

[No. L-41012/156/89-IRBI]

P. J. MICHAEL, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 157 of 1990

In the matter of dispute between :—

Zonal Working President,  
Northern Railway Karamchhari Union  
Rosnan Bajaj Lane,  
Ganesh Ganj, Lucknow

AND

Divisional Railway Manager,  
N. Rly., Hazratganj, Lucknow.

## APPEARANCE :

Km. Suman Gupta for the Management.  
Shri P. K. Tiwari for the workman

## AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-41012/156/89-D-2(B) dated 10-7-90 has referred the following dispute for adjudication to this Tribunal :—

Whether D.R.M. Northern Railway, Lucknow was justified in terminating the services of Sh. Rajesh Kumar S/o S. K. Srivastava who was working as porter at Magarwara Station w.e.f. 19-7-85 and also retained juniors? If not, what relief the workman was entitled to?

2. It is unnecessary to give full facts of the case as on 25-7-96 authorised representative of the workman made in endorsement that he has no instruction from the concerned workman. As such the reference is not pressed.

3. In view of above the reference is answered against the concerned workman for want of proof. Consequently the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 20 अगस्त, 1996

का.आ. 2646.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दलहन अनुसंधान निदेशालय के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

- [सं. 1. एल 42012/109/90/आई.आर.डी.यू.  
 2. एल 42012/105/90/आई.आर.डी.यू.  
 3. एल 42012/112/90/आई.आर.डी.यू.  
 4. एल 42012/115/90/आई.आर.डी.यू.  
 5. एल 42012/117/90/आई.आर.डी.यू.  
 6. एल 42012/119/90/आई.आर.डी.यू.  
 7. एल 42012/113/90/आई.आर.डी.यू.  
 8. एल 42012/116/90/आई.आर.डी.यू.  
 9. एल 42012/121/90/आई.आर.डी.यू.  
 10. एल 42012/114/90/आई.आर.डी.यू.  
 11. एल 42012/103/90/आई.आर.डी.यू.  
 12. एल 42012/107/90/आई.आर.डी.यू.  
 13. एल 42012/109/90/आई.आर.डी.यू.  
 14. एल 42012/110/90/आई.आर.डी.यू.  
 15. एल 42012/98/90/आई.आर.डी.यू.  
 16. एल 42012/104/90/आई.आर.डी.यू.  
 17. एल-42012/102/90/आई.आर.डी.यू.]

के.वी.बी. उण्णी, ईस्क अधिकारी

New Delhi, the 20th August, 1996

S.O. 2646.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Dalhan Anusandhan Nideshalaya and their workman, which was received by the Central Government on 19-8-96.

- [No. 1. L-42012/109/90/IRDU  
 2. L-42012/105/90/IRDU  
 3. L-42012/112/90/IRDU  
 4. L-42012/115/90/IRDU  
 5. L-42012/117/90/IRDU  
 6. L-42012/119/90/IRDU  
 7. L-42012/113/90/IRDU  
 8. L-42012/116/90/IRDU  
 9. L-42012/121/90/IRDU  
 10. L-42012/114/90/IRDU  
 11. L-42012/103/90/IRDU  
 12. L-42012/107/90/IRDU  
 13. L-42012/109/90/IRDU  
 14. L-42012/110/90/IRDU  
 15. L-42012/98/90/IRDU  
 16. L-42012/104/90/IRDU  
 17. L-42012/102/90/IRDU]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute Nos. 39, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 42 and 56 all of 1991.

2107 GI/96—8

In the matter of dispute between :

1. Radhey Shyam Singh, 2. Sheo Charan Singh, 3. Smt. Chameli, 4. Rajendra Kumar, 5. Shrimati Rajwati, 6. Ramesh Chandra Sharma, 7. Bansi Lal, 8. Smt. Bimla, 9. Smt. Rajni, 10. Smt. Chandrawati, 11. Rajendra Prasad, 12. Kalidni, 13. Smt. Rajola, 14. Smt. Sonawati, 15. Ram Kumar, 16. Smt. Parwati and 17. Gangawati, all C/o Karamchari Sangh, Dalhan Anusandhan Nideshalaya, 517 Debi Sahai Nagar, I.I.T. Gate, G. T. Road, Kanpur.

AND

Pariyojna Nideshak,

Dalhan Anusandhan Nideshalaya G.T Road, Kalyanpur, Kanpur.

APPEARANCE :

R. K. Tripathi for the Management and Gaya Prasad for the Union.

AWARD

1. Central Government, Ministry of Labour, vide its notification nos. :—

1. L-42012/109/90/IRDU dt. 3-4-91  
 2. L-42012/105/90/IRDU dt. 3-4-91  
 3. L-42012/112/90/IRDU dt. 3-4-91  
 4. L-42012/115/90/IRDU dt. 3-4-91  
 5. L-42012/117/90/IRDU dt. 3-4-91  
 6. L-42012/119/90/IRDU dt. 3-4-91  
 7. L-42012/113/90/IRDU dt. 3-4-91  
 8. L-42012/116/90/IRDU dt. 3-4-91  
 9. L-42012/121/90/IRDU dt. 3-4-91  
 10. L-42012/114/90/IRDU dt. 3-4-91  
 11. L-42012/103/90/IRDU dt. 3-4-91  
 12. L-42012/107/90/IRDU dt. 3-4-91  
 13. L-42012/99/90/IRDU dt. 3-4-91  
 14. L-42012/110/90/IRDU dt. 3-4-91  
 15. L-42012/98/90/IRDU dt. 3-4-91  
 16. L-42012/104/90/IRDU dt. 3-4-91  
 17. L-42012/102/90/IRDU dt. 3-4-91

has referred the following dispute for adjudication to this tribunal—

Kya Nideshak Dalhan Anusandhan Nideshalaya, Kanpur dwara bhutpurva karamkar—

Radhey Shyam Singh ki dinank 16-9-87  
 Shiv Charan Singh ki dinank 1-7-83  
 Smt. Chameli ki dinank 16-9-87  
 Rajendra Kumar ki dinank 16-9-87  
 Smt. Rajwati ki dinank 16-9-87  
 Smt. Ramesh Chandra Sharma ki dinank 18-8-86  
 Smt. Bansi Lal ki dinank 16-9-87  
 Smt. Bimla ki dinank 16-9-86  
 Smt. Rajni ki dinank 21-4-86  
 Smt. Chandrawati ki dinank 16-9-87  
 Rajendra Prasad ki dinank 16-9-86  
 Kalidin ki dinank 16-9-87  
 Smt. Rajola ki dinank 16-9-87  
 Smt. Sonawati ki dinank 16-9-87  
 Sri Ram Kumar ki dinank 16-9-87  
 Smt. Parwati ki dinank 16-9-87  
 Smt. Gangawati ki dinank 20-1-84  
 se sewamukta karna nyayochit hai ? Yadi nahi to sambandhit karamkar kis anutosh ke haqdar hai ?

2. The aforesaid 17 I.D. Cases have been consolidated and tried together with the consent of the parties vide order dt. 28-1-92. Oral and documentary evidences has been recorded in I.D. case No. 39 of 1991, Radhey Shyam Singh and Pariyojna Nideshak Dathan Anusandhan and now all the references are answered by the instant common award.

3. In I.D. Case No. 39 of 1991 (L-42012|109|90|IRDU dt. 3-4-91), the case of the concerned workman is that he was employed by the opposite party on 15-4-84, for doing the work of permanent nature like ploughing, sowing, irrigation etc. He worked upto 15-9-87 whereafter, his services were brought to an end by oral order dt. 16-9-87. This termination is bad as retrenchment compensation and notice pay has not been given as required by section 25F of I.D. Act. Further there has been breach of section 25H of I.D. Act as juniors to the concerned workman have been retained in service.

4. In I.D. Case No. 41|91 (L-42012|105|90|IRDU dated 3-4-91), the case of the concerned workman Shiv Charan Singh, is that he was employed by the opposite party on 21-2-82 for doing the work of permanent nature like ploughing, sowing, irrigation etc. He worked upto 30-6-83 whereafter his services were brought to an end by oral order dt. 1-7-83. This termination is bad as retrenchment compensation and notice pay has not been given as required by section 25F of I.D. Act. Further there has been breach of section 25H as juniors to the concerned workman have been retained.

5. In I.D. Case No. 43|91 (L-42012|112|90|IRDU dt. 3-4-91), the case of the concerned workman Smt. Chameli is that she was employed by the opposite party on 9-12-81, for doing the work of permanent nature like ploughing, sowing, irrigation etc. She worked upto 15-9-87, whereafter her services were brought to an end by an oral order dt. 16-9-86. This termination is bad as retrenchment compensation and notice pay has not been given as required by section 25F of I.D. Act. Further there has been breach of section 25H of I.D. Act as juniors to the concerned workman have been retained in service.

6. In I.D. Case No. 44 of 91 (L-42012|115|90|IRDU dt. 3-4-91), the case of the concerned workman is that he was employed by the opposite party on 1-3-83 for doing the work of permanent nature like ploughing, sowing, irrigation etc. He worked upto 15-9-87, whereafter, his services were brought to an end by oral order, dt. 16-9-87 this termination is bad in law as retrenchment compensation and notice pay has not been given as required by sec. 25F of I.D. Act. Further there has been breach of Sec. 25H of I.D. Act as juniors to the concerned workman have been retained in service.

7. In I.D. Case No. 45|91 (L-42012|117|90|IRDU dated 3-4-91), the case of the concerned workman Smt. Rajwati is that she was employed by the opposite party on 1-4-86 for doing the work of permanent nature like ploughing, sowing, irrigation etc. She worked upto 15-9-87 whereafter, her services were brought to an end by an oral order dt. 16-9-87. This termination is bad as retrenchment compensation

and notice pay has not been given as required by section 25F of I.D. Act. Further there has been breach of section 25H of I.D. Act as juniors to the workman were retained in service.

8. In I.D. Case No. 46|91 (L-42012|119|90|IRDU dt. 3-4-91) the case of the concerned workman Ramesh Chandra Sharma is that he was employed by the opposite party on 1-4-82 for doing the work of permanent nature like ploughing, sowing, irrigation etc. He worked upto 17-8-86, whereafter his services were brought to an end by an oral order dt. 18-8-86. This termination is bad as retrenchment compensation and notice pay has not been given as required by sec. 25F of I.D. Act. Further there has been breach of section 25H of I.D. Act as juniors to the concerned workman have been retained in service.

9. In I.D. Case No. 47|91 (L-42012|113|90|IRDU dt. 3-4-91), the case of the concerned workman Bansi Lal is that he was employed by the opposite party on 9-12-81 for doing the work of permanent nature like ploughing, sowing, irrigation etc. He worked upto 15-9-87, whereafter her services were brought to an end by an oral order dt. 16-9-87. This termination is bad as retrenchment compensation and notice pay has not been given as required by section 25F I. D. Act. Further there has been breach of section 25H of I.D. Act, as juniors to him were retained in service.

10. In I.D. Case No. 48|91 (L-42012|116|90|IRDU dt. 3-4-91), the case of the concerned workman is that she was employed by the opposite party on 1-4-83 for doing the work of permanent nature like ploughing, sowing, irrigation etc. She worked upto 15-9-86, whereafter her services were brought to an end by an oral order dt. 16-9-86. This termination is bad in law as retrenchment compensation and notice pay has not been given as required by section 25F of I.D. Act. Further juniors were retained in service by the opposite party after the termination of her services as such opposite party has also breached the provisions of Section 25H of I.D. Act.

11. In I.D. Case No. 49|91 (L-42012|121|90|IRDU dt. 3-4-91), the case of the concerned workwoman is that she was employed by the opposite party on 5-8-84 for doing the work of permanent nature like ploughing, sowing, irrigation etc. she worked upto 20-4-86 whereafter her services were brought to an end by an oral order dt. 21-4-86. This termination is bad as retrenchment compensation and notice pay has not been given as required by section 25F I.D. Act. Further there has been breach of section 25H of I.D. Act as juniors to her have been retained in service.

12. In I.D. Case No. 50|91 (L-42012|114|90|IRDU dt. 3-4-91), the case of the concerned workwoman Smt. Chandrawati is that she was appointed by the opposite party on 18-3-84 for doing the work of permanent nature like ploughing, sowing, irrigation etc. she worked upto 15-9-87, whereafter her services were brought to an end by the opp. party by an oral order dt. 16-9-87. This termination is bad

as retrenchment compensation and notice pay has not been given as required by section 25F of I.D. Act. Further there has been breach of section 25H of I.D. Act as juniors to her have been retained in service.

13. In I.D. Case No. 52/91 (L-42012/103/90/IRDU dt. 3-4-91), the case of the concerned workman Rajendra Prasad is that he was appointed by the opposite party on 16-4-84 for doing the work of permanent nature like ploughing, sowing, irrigation etc. He worked with the opposite party upto 15-9-86 whereafter his services were brought to an end by an oral order dt. 16-9-86. This termination is bad as retrenchment compensation and notice pay has not been given as required under sec. 25F of Act. Further there has been breach of section 25H of I.D. Act as juniors to the concerned workman were retained in service.

14. I. D. Case No. 52 of 91 (L-42012/107/90/IRDU dt. 3-4-91) the case of the concerned workman Kalidin is that he was appointed by the opposite party on 16-4-85 for doing the work of permanent nature like ploughing, sowing, irrigation etc. He worked upto 15-9-87 whereafter his services were terminated by an oral order dt. 16-9-87. This termination is bad as retrenchment compensation and notice pay has not been given as required under section 25F of I.D. Act. Further there has been breach of section 25H of I. D. Act, as juniors to the concerned workman have been retained in service.

15. In I.D. Case No. 53/91 (L-42012/99/90/IRDU dt. 3-4-91), the case of the concerned workwoman Smt. Dajola is that she was appointed by the opposite party on 16-4-85 for doing the work of permanent nature like ploughing, sowing, irrigation etc. She worked upto 15-9-87, whereafter her services were brought to an end by the opposite party by an oral order dt. 16-9-87. This termination is bad as retrenchment compensation, notice pay as required by sec. 25F of I.D. Act have not been given. Further there has been breach of section 25H of I.D. Act as juniors to the workwomen have been retained in service, have been retained in service.

16. In I.D. Case No. 54/91 (L-42012/110/90/IRDU dt. 3-4-91), the case of the concerned workwoman Smt. Sonwati is that she was appointed by the opposite party on 12-1-82 for doing the work of permanent nature like ploughing, sowing, irrigation etc. She worked upto 15-9-87, whereafter her services were brought to an end by order dt. 16-9-87. This termination is bad as retrenchment compensation and notice pay as required under provisions of sec. 25F of I.D. Act has not been given. Further there has been breach of sec. 25H of I.D. Act as juniors to the workwoman were retained in service.

17. In I. D. Case No. 55 of 91 (L-42012/98/90/IRDU dt. 3-4-91), the case of concerned workman Ram Kumar is that he was appointed by the opposite party on 5-9-84 for doing the work of permanent nature like ploughing, sowing, irrigation etc.

He worked upto 15-9-87, whereafter his services were terminated by order dt. 16-9-87. This termination is bad as retrenchment compensation and notice pay as required under sec. 25F of I. D. Act has not been given. Further there has been breach of sec. 25H of I.D. Act as juniors to him were retained in service.

18. In I.D. Case 56/91 (L-42012/102/90/IRDU dt. 3-4-91), the case of the concerned workman is that she was appointed by the opposite party on 8-6-80 for doing the work of permanent nature like ploughing, sowing, irrigation etc. She worked upto 19-1-84 whereafter her services were terminated by order dt. 30-1-84. This termination is bad as retrenchment compensation and notice pay have not been given as required under sec. 25F of I.D. Act. Further there has been breach of sec. 25H of I.D. Act as juniors to the concerned workwoman have been retained in service.

19. In I.D. Case No. 42/91 (L-42012/104/90/IRDU dt. 3-4-91), the case of the concerned workwoman Smt. Parwati is that she was appointed by the opposite party on 13-10-85 for doing permanent nature of work like ploughing, sowing, irrigation etc. She worked upto 15-9-87, whereafter her services were brought to an end by order dt. 16-9-87. This termination is bad as retrenchment compensation and notice pay has not been given to her as required under sec. 25F of the Act. Further there has been breach of section 25H of the Act as juniors to the concerned workwoman have been retained in service by the opposite party.

In the leading case reply has been filed by the opp. party in respect of all the connected cases. It has been alleged that in the Research Centre there is no work of permanent nature. Daily rated workers are engaged according to projects which are received. Thus the concerned workmen were not doing work of permanent nature. Instead they were engaged to do the work of temporary nature. Their services came to an end by completion of project. In such cases there was no question of payment of notice pay and retrenchment compensation. Further provisions of section 25G is also not attracted. Lastly it was alleged that opposite party is not an industry.

20. Alongwith written statement the details of number of working days of each workman in respect of one year preceding date of termination have been given. On the basis of this detail it is alleged that none of the concerned workman have completed more than 240 days in a calendar year.

21. A rejoinder has been filed on behalf of all the workman in which it has been reiterated that all the concerned workman have completed more than 240 days in each calendar year. In support of it a chart has been given. Further the concerned workman had filed the affidavit of Rajendra Kumar, Radhey Shyam and Bansi Lal.

22. On behalf of the management no documentary evidence have been filed. In rebuttal there is oral evidence of J. N. Kat'yar, Farm Manager, which is supported by Ext. M-1 to Ext. M-37, the extracts of

muster roll of one years preceding the date of termination. Out of the three witnesses of the concerned workman Radhey Shyam and Bansi Lal have been cross examined.

23. In the first place it will be seen if all the concerned workmen have completed more than 240 days in a calendar year preceding the date of termination. It may be mentioned that there is no evidence worth the name to show that either of the concerned workman had worked for more than 240 days in a calendar year commencing from the date of joining. Hence, the matter is being confined for one year preceding the case of reference.

24. No doubt Radhey Shyam and Bansi Lal in their respective affidavits have given the details of joining and termination but the exact number of days for which they had worked, have not been given. Hence, there evidence did not prove in any manner as to whether the concerned workmen has worked for more than 240 days in a calendar year preceding the date of reference.

25. On the contrary there is evidence of J. N. Katiyar who has stated that none of the concerned workman had completed 240 days in a calendar year preceding the date of termination in support of this there are Ext. W-1 to M-37 Muster Roll From a perusal of these papers it appears that all the workmen had worked for the number of days in the year preceding the date of termination as under :—

1. Rdhey Shyam	104 dys
2. Shco Charan	176 „
3. Smt. Chameli	191 „
4. Rajendra Kumar	9 „
5. Smt. Rajpati	175 „
6. Bansi Lal	90 „
7. Smt. Rajni	22 „
8 Rajendra Prasad	82 „
9. Kal'din	181 „
10. Sonawati	182½ „
11. Raj Kumar	168½ „
12. Smt. Gangawati	180 „
13. Smt. Parwati	156 days
14. Ramesh Chandra	168 „
15. Smt. Bimla	132 „
16. Smt. Chandrawati	132 „
17. Smt. Rajola	147 „

If we add the number of sundays and national holidays and other holidays none of them except Chameli would cross 240 days.

Hence my finding is that all the concerned workmen except Smt. Chameli in I.D. No. 43 of 1991, had not completed more than 240 days in a calendar year preceding the date of termination. Accordngly they are not entitled to benefit of section 25F I.D Act

27. There is no evidence to show that juniors to concerned workmen have been retained in service. Even their names have not been given. Hence it is

held that provisions of section 25F of I.D. Act have not been flouted.

28. Lastly, the management has urged that opposite party is not industry in support of this contention reliance has been placed to the case of Harshjit Thakkar versus Union of India 1990 Lab IC 154 in which a bench of Central Administrative Tribunal has held that ISRO is not an industry where research work was being done. I have gone through this judgement. It was not the case of any workman. Instead it was a case of officer of the project. Further in the leading case of Bangalore Water Supply & Sewerage Board versus a Rjjappa 1978 Lab IC 469 SC it has been pointed out that even in an organisation of the Central Government where sovereign function is discharged that part of it would fall within the definition of Industry where work covered by industry is carried out. In my opinion, in D.P.R. labourers who do work of ploughing etc. can be clearly separated from the personnel who do organisation work of supervisory work. The persons who were doing the work as mentioned by the concerned workmen would clearly bring this part of the opposite party as within the definition of industry. Hence I have no hesitation in holding that the opposite party is which concerned workmen were working is an industry. Hence, this objection is over-ruled.

29. In this end any finding is that the services of concerned workmen except Smt. Chameli Devi of I.D. Case No. 48 of 1991 were rightly terminated. Consequently they are not entitled for any relief. It is further held that the services of concerned workwomen Smt. Chameli Devi of I.D. No. 43 of 91 have wrongly been terminated, hence she will be entitled for reinstatement with back wages. I award accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 20 अगस्त, 1996

का.आ. 2647.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-8-96 को प्राप्त हुआ था।

[संख्या एन 40012/176/93/1 आई प्रार (डी यू.)]  
के. बी. बी. उष्णी, ईस्क अधिकारी

New Delhi, the 20th August, 1996

S.O. 2647.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the manage-

ment of Post and their workman, which was received by the Central Government on 19-8-1996.

[No. L-40012/176/93-IR (DU)]

K. V. B. UNNY, Desk Officer.

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR.

INDUSTRIAL DISPUTE NO. 101 OF 1994

In the matter of dispute between :

Jagan Niwas Misra S/o. Satyain Misra 108/116 Gandhi Nagar Kanpur.

AND

Dy. Chief Post Master Kanpur Mukhya Dakghar Kanpur.

#### APPEARANCES :

Workman in person Snri V. K. Aghinotri for the Management.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-40012/176/93-IR(DU), dated 16-4-1994 has referred the following dispute for adjudication to this Tribunal :—

Kya Prabandhtantra Deputy Chief Post Master Kanpur Mukhya Dakghar Kanpur Dwara karmkar Jagan Niwas Misra ko dinank 21-8-1987 se sewa se nishkashit karne nyoyocit hai ? Yadi nahi to sambandhit Karmkar kis anutosh ka haqdar hai ?

2. The concerned workman has alleged that he was working as contingency paid waterman/chowkidar from 29-4-1985. His services were brought to and end illegally w.e.f. 21-8-1987. Hence he has claimed reinstatement gainst Deputy Chief Post Master Kanpur.

3. It is opposed.

4. In the case of Sub-Divisional Inspector of Post, Vaikam and other Vs. Theyyam Josheph LAB I. C. 1996 1059 (S.C.) it has been held by Hon'ble Supreme Court that post Office is not industry. Hence the reference is incompetent.

5. In view of above case law reference is returned without answer for want of jurisdiction.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 22 अगस्त, 1996

का.मा. 2648.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धन के संबंध निवीजकों और उनके कर्मचारों के बीच, अनुबन्ध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-8-96 को प्राप्त हुआ था।

[सं. एल-32011/2/95 आई.आर.-(विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 22nd August, 1996

S.O. 2648.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on the 30-8-1996.

[No. L-32011/2/95-IR (Misc.)]

B. M. DRVID, Desk Officer

#### ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 16 of 1995.

#### PARTIES :

Employers in relation to the management of Calcutta Port Trust.

AND

Their Workmen.

#### PRESENT :

Mr. Justice K. C. Jagadeb Roy.

...Presiding Officer.

#### APPEARANCE :

On behalf of Management : Mr. M. K. Das, Senior Labour Officer and Mr. G. Mukhopadhyay, Senior Labour Officer.

On behalf of Workmen : None.

STATE : West Bengal. INDUSTRY : Port.

#### AWARD

By Order No. L-32011/2/95-IR(Misc.), dated 12 July, 1995, the Central Government in exercise of its powers under section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:—

“Whether the demand of Calcutta Port and Shore Majdoor Union (CITU) to treat the date on which the deputationist opted for absorption as the date from which their seniority is to be counted in their post in Calcutta Port Trust justified ? If not, what should be the criteria to determine the date of joining for the purpose of seniority ?”

2 This is a reference of the year 1995 and registered in this Tribunal on 20-7-1995. The notice

of the reference had been received by the General Secretary of the Calcutta Port and Shore Majdoor Union on 28-7-1995 but since then no one has entered appearance on behalf of the workmen, nor any written statement is filed on their behalf. Management is however represented by their Senior Labour Officers Mr. Das and Mr. Mukhopadhyaya. Several adjournments have been given in this case permitting the workmen to enter appearance either personally or through any representative of their choice and to file the written statement but none of these has been complied with till now.

3. It is submitted by Mr. Mukhopadhyaya appearing for the management that since the workmen have not taken any steps in this matter and do not appear to present their case, there is no case for the management to reply and in such view of the matter a No Dispute Award may be passed.

4. Since in reference case can be decided without any evidence on record and the workmen have not come forward inspite of all opportunity given to them to prove their case and no material is brought to the notice of the Tribunal if for any good reason they were prevented to do the same. I come to hold that the workmen have given up their case. Accordingly, I pass this "No Dispute" Award.

The reference case is accordingly disposed of.

K. C. JAGADEB ROY, Presiding Officer.

नई दिल्ली, 22 अगस्त, 1996

का.प्र. 2649.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चट्टी एण्ड सेन्स प्रा. लि. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/8/96 को प्राप्त हुआ था।

[सं. एन-32011/9/95 आई.आर. (विवाद)]  
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 22nd August, 1996

S.O. 2649.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Chatterjee & Sons (P) Ltd., and their workmen, which was received by the Central Government on 21-8-96.

[No. 32011/9/95 IR (Misc.)]  
B. M. DAVID, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 20 of 1995

#### PARTIES :

Employers in relation to the management of  
M/s. Chatterjee & Sons (P) Ltd.

#### AND

Their workmen.

#### PRESENT :

Mr. Justice K. C. Jagadeb Roy,

Presiding Officer.

#### APPEARANCE :

On behalf of Management : Mr. S. Chakraborty.  
Advocate.

On behalf of Workmen : None.

STATE : West Bengal. INDUSTRY : Port.

#### AWARD

By Order No. L-32011/9/95-IR (Misc.) dated 13-12-1995, the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the following demands of Calcutta Port Shramik Janata Panchayat in respect of the workers employed by M/s. Chatterjee & Sons (P) Ltd., is justified :—

1. The workers engaged in lorry transportation of Goods from Rishra to Calcutta Port should be paid Rs. 80/- per day per head.
2. For unloading of Cotton bales the workmen should be paid Rs. 80/- per lorry.
3. For loading of Cotton bales the workers should be paid @ Rs. 7.00 per bales.
4. For workers engaged in loading and unloading of drums the rate should be Rs. 8/- per head.
5. For handling cartoon weighing upto 30 Kgs. and sick bales minimum Rs. 60/- be paid to each worker.
6. All the workers should be paid bonus @ Rs. 800/- each for the A/C year 1993-94.
7. In case of labour report for duty but do not get work they should be paid Attendance Allowance @ Rs. 60/- per head per shift.
8. Full re-imbursement of Medical expenses.
9. House rent allowance @ Rs. 50/- per head per workman per month.
10. Uniform or uniform allowance @ Rs. 800/- per worker per year.
11. 19 days paid festival and national holidays in a year."

2. This is a reference case of the year 1995, registered in this Tribunal on 19-12-1995 and notice on both the parties have been made sufficient in



January, 1996. The President of the Calcutta Port Shramik Janata Panchayat had received the notice on 15-1-1996 and the management had received the notice on 16-1-1996. Since that day neither the management nor the workmen has taken any steps to appear before the Tribunal and to file written statement even though several adjournments have been allowed for the same. Only the management appeared through Mr. Someswar Chakraborty, learned counsel on 20-2-1996. But excepting filing the Vakalatnama the learned counsel has not taken any steps till now nor appeared in the Tribunal till now.

3. Any further adjournment of the case without any prayer from either side, will unnecessarily allow the abuse of the process of the Tribunal and since no reference case can be adjudicated without any evidence on record and the workmen inspite of notice has not filed the written statement having the burden of pleading their evidence first, I come to hold that the workmen have given up the case and does not want to proceed further. Since there is no material available before me that the workmen have been unduly prevented to appear before this Tribunal to present their case, I dispose of this reference by passing a "No Dispute" Award.

K. C. JAGADEB ROY, Presiding Officer

रोजगार और प्रशिक्षण महानिदेशालय

नई दिल्ली, 30 अगस्त, 1996

का.आ. 2650.—केन्द्रीय सरकार, केन्द्रीय शिक्षता परिषद् नियम, 1962 के नियम 3 और नियम 4 के साथ पठित शिक्षा अधिनियम, 1961 (1961 का 52) की धारा 24 की उपधारा (1) और उपधारा (2) द्वारा प्रबल शक्तियों का प्रयोग करते हुए, भारत सरकार के श्रम मंत्रालय की अधिसूचना सं. का.आ. 239(अ), तारीख 23 मार्च, 1995 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "(ग) केन्द्रीय सरकार के प्रतिनिधि" शीर्षक के अधीन, श्रम सं. 9 और उससे संबंधित प्रविष्टियों के पश्चात्, निम्नलिखित अंतर्स्थापित किए जाएंगे, अर्थात्:—

"9क. सचिव,  
श्रम मंत्रालय,  
श्रम शक्ति भवन,  
नई दिल्ली।

सदस्य

9. ख. अपर सचिव,  
श्रम मंत्रालय,  
श्रम शक्ति भवन,  
नई दिल्ली।

सदस्य

[सं. डी जी ई टी. 8(1)/93-एपी]

कृष्णा शर्मा, अपर सचिव

पाद टिप्पण :—मूल अधिसूचना का. आ. 239 (अ) दिनांक 23-3-95 को प्रकाशित हुई थी। संशोधन का. आ. 433 (अ) दिनांक 10-5-95 और का. आ. 278 दिनांक 12-1-96 को प्रकाशित हुए थे।

# DIRECTORATE GENERAL OF EMPLOYMENT & TRAINING

New Delhi, the 30th August, 1996

S.O. 2650.—In exercise of the powers conferred by sub-section (1) and sub-section (2) of section 24 of the Apprentices Act, 1961 (52 of 1961), read with rules 3 and 4 of the Central Apprenticeship Council Rules, 1962, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour, No. S.O. 239(E), dated the 23rd March, 1995, namely:—

In the said notification, under the heading "C. Representatives of Central Government", after serial No. 9 and the entries relating thereto, the following shall be inserted, namely :—

"9A Secretary,  
Ministry of Labour,  
Shram Shakti Bhawan,  
New Delhi. Member

9B. Additional Secretary,  
Ministry of Labour,  
Shram Shakti Bhawan,  
New Delhi. Member"

[No. DGET. 8(1)/93-API]

KRISHNA SHARMA, Under Secy.

Foot Note : The principal Notification published vide S.O. 239(E) dated 23-3-95, corrigenda published vide S. O. 433(E) dated 10-5-95, and S. O. 278 dated 12-1-96.

